

GETTING U.S. AID TO COLOMBIA

HEARING

BEFORE THE

SUBCOMMITTEE ON CRIMINAL JUSTICE,
DRUG POLICY, AND HUMAN RESOURCES

OF THE

COMMITTEE ON
GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTH CONGRESS

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GETTING U.S. AID TO COLOMBIA

THURSDAY, OCTOBER 12, 2000

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY,
AND HUMAN RESOURCES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:15 p.m., in room 2154, Rayburn House Office Building, Hon. John L. Mica (chairman of the subcommittee) presiding.

Present: Representatives Mica, Ose, Mink, Cummings, Kucinich, Tierney, Turner, and Schakowsky.

Staff present: Sharon Pinkerton, staff director and chief counsel; Charley Diaz, congressional fellow; Ryan McKee, clerk; Sarah Despres and David Rapallo, minority counsels; and Earley Green, minority assistant clerk.

Mr. MICA. I would like to call the Subcommittee on Criminal Justice, Drug Policy, and Human Resources to order. Apologize for those that have been waiting, particularly our first panel of witnesses. But we did have a vote that was scheduled for 1:30, and then they added another vote, so we were delayed. I appreciate everyone's forbearance.

The order of business for the hearing today will be that I'll start with an opening statement in order to get the hearing underway, and we will be joined by our minority and majority members. And then we'll hear from our first panel. I think we have three panels. I believe we have three panels today. Today's hearing deals with the subject of getting U.S. assistance to Colombia. And this afternoon the subcommittee will, once again, examine the U.S. response to the growing crisis in Colombia.

In July, the Congress passed a \$1.3 billion supplemental aid package to support Plan Colombia. I voted for the package and the aid because U.S. assistance is absolutely critical to combating drug trafficking, and also to maintaining Colombia's democratic way of life. But I am very concerned that the Colombian people may not see any real help for months, even years to come, particularly as a result of the report that's going to be released today.

My concerns stem from this administration's poor track record of delivering previously authorized counterdrug assistance, aid and equipment to Colombia. At this subcommittee's request, the General Accounting Office [GAO], examined the administration's effort to date, namely, those efforts of the Department of State and Department of Defense. What they found is not encouraging. As noted in the title of their draft report, U.S. assistance to Colombia will

take years to produce results, this is a report that I have here, the prognosis for future aid delivery is dismal probably at best.

As we enter the 21st century, our hemisphere is facing one of the greatest challenges to our national security as the situation in Colombia continues to deteriorate. Left unchecked, the narco-terrorist threat in Colombia has continued to spiral out of control and now threatens Latin America's oldest democracy as well as stability in the region. As the illegal drug trade continues to grow, it fuels narco-terrorism and undermines legitimate government institution, and also leads to increasing violence in this region. The impact of further destabilization of the region will have a devastating impact on our vital national security interests in that area.

After years of pleading and pressure by House members, the administration finally submitted a Colombian aid proposal to Congress in February of this year. It arrived 7 months after General McCaffrey sounded the alarm, calling the situation an emergency. That's what's printed here, my staff printed, as I recall. He called it a flipping nightmare was his quote. And 4 months after the Pastrana government submitted Plan Colombia, officially asking the United States for assistance.

Because the U.S. response has been slow to materialize, Colombia now supplies some 80 percent of the world's cocaine, the vast majority of the heroin seized in the United States. Furthermore, over the last several years, there has been an explosion of coca cultivation in Colombia of the recent explosion of opium poppy cultivation in Colombia is equally disturbing. Through DEA's heroin signature analysis program, we know that Colombia, not the Far East, and I know this through scientific testing, accounts for 70 percent of the heroin seized on the streets of the United States. All of these facts point to Colombia as the center of gravity of the drug supply and line to the United States.

But despite years of congressional pleas for counterdrug assistance to Colombia, countless hearings and intense congressional pressure, resources approved by Congress have failed to be provided to Colombia in both a timely and also in an effective manner.

First, information sharing was denied in 1994, which, in fact, turned the situation there into chaos, as my colleague from California Steve Horn so aptly described. As you recall, as of May 1994—he said this in 1994—"the Department of Defense decided unilaterally to stop sharing real time intelligence regarding aerial traffic in drugs with Colombia and Peru. Now, as I understand it, that decision, which hasn't been completely resolved, has thrown diplomatic relations with the host countries into chaos." That was a comment by Congressman Steve Horn.

What we'll have to do is recess the hearing. I've got votes. Apologize again. But we'll continue. I'll finish my opening statement and we'll hold the hearing in recess until we reconvene.

[Recess.]

Mr. MICA. If we could, I'd like to call the subcommittee back to order. Apologize again for the delay. It appears the subcommittee is having as much difficulty getting this hearing underway as the administration is in getting anti narcotics resources to Colombia.

Let me continue, if I may, with my opening statement. I just cited the chaos that was created by the administration in stopping

real-time intelligence sharing. In 1996 and 1997, when this administration decertified Colombia without a national interest waiver, it severely undermined the legitimate drug fighting efforts of General Serrano and the Colombian National Police, cutting off international military educational money and also critical equipment.

Even worse, today the absence of U.S. intelligence sharing, due in part to the reduced air coverage after the forced closure of Howard Air Force base in Panama, our counternarcotics efforts in the region have been even further crippled. Without an adequate contingency plan, there now exists a gap in coverage as the new forward operating locations [FOL's] come on line, the Commander-in-Chief for the U.S. southern command testified at one of our hearings earlier that the Department of Defense can only cover 15 percent of key trafficking routes 15 percent of the time. In fact, it may be after the year 2002 before our anti-surveillance capability has been fully restored.

The Congress passed a supplemental aid package in July to increase funding for counternarcotics work in Colombia. This wasn't the first time we pumped money into counternarcotics efforts in Colombia. Colombia received more than \$300 million funding under the fiscal year 1999 supplemental spending bill passed when Dennis Hastert, now our speaker, was chairman of the drug policy responsibility in a previous subcommittee.

Sadly, less than half of the equipment Congress funded in that bill has been delivered, or in fact is operational. This administration's poor track record was the subject of the GAO investigation which I just cited, and we'll hear more about it today. This report concluded that "the United States has encountered long-standing problems in providing counternarcotics assistance to Colombian law enforcement and military agencies involved in counternarcotics activities." The report went on to say "these problems continue." The report cites that the Department of State, "has not provided enough financial or logistical support to the Colombian National Police Helicopter Program."

This administration has also resisted the congressional efforts to ensure that needed drug fighting equipment makes it to Colombia in a timely manner. The administration has fought the Congress for years on the Blackhawk utility helicopters for the Colombian National Police, and has a pathetic track record of delivering this type of assistance. And that type of assistance, incidentally, is the main part of the package, that \$1.3 billion package, at least the anti-narcotics portion of it. In fact, even three helicopters, which account for the bulk of aid dollars in fiscal year 1999, when finally delivered to the Colombian National Police, sat idle for lack of proper floor armoring and ammunition.

Despite this poor track record, this administration once again requested helicopters this time for the Colombian Armed Forces as the bulk of aid proposed in their proposal before the Congress this past February. Given the high cost of these assets, the poor delivery track record by the Department of State and the Office of International Narcotics Matters, I am deeply concerned about committing hundreds of millions of U.S. taxpayer dollars to a program that has not worked well in the past.

As chairman of this subcommittee, however, I want to pursue programs that, in fact, have a proven track record of success.

Complicating the equation is the increased activity by Colombian rebels, namely, more than 17,000 member narco-terrorist Army known as the FARC, and the 5,000-plus member ELN. These armies of insurgents now control nearly 40 percent of the Colombian countryside. The FARC Army has gone largely unchecked and is now expanding beyond Colombia's borders. I am deeply concerned about reports of FARC intrusions into neighboring countries. The rebels are heavily financed by the illegal drug trade and earned an estimated \$600 million per year from illicit drug activity.

And some of that also is outlined in this report that I think everyone needs to pay some attention to today. The basic tenet of this administration's aid package is to use the Colombian military and Colombian National Police to push into southern Colombia. I know it, you know it, and the rebels know it. We have been advertising this fact for over a year now. As a result, the rebels have done two things: they have fortified their defenses in the area in anticipation of the Colombian troops, and they are also exploring other areas of cultivation in and outside Colombia. When I asked about defensive countermeasure capability to ensure the safety of Colombian security forces and protect our investment, the State Department said they don't have definite proof of a surface-to-air [SAM], missile threat in southern Colombia. But I can tell you that any organization that can build, as we saw just a few weeks ago, a submarine, pretty complex piece of equipment just a few miles from Bogota, capable of carrying an astonishing 200 tons of cocaine, can certainly get their hands on surface to air missiles.

One of the points that needs to continually be reemphasized to the American public is that Colombia matters. It matters both economically and it matters strategically. With 20 percent of the U.S. daily supply of crude and refined oil imports coming from that area and with the vitally important Panama Canal located just 150 miles to the north, the national security, and in fact, the economic implications and in fact, energy implications, which I think we're going to see in the next few days with the disruption in the Middle East, and now this disruption in this oil producing region, the implications to neighboring countries and to the United States are enormous. For all these reasons, the United States can ill afford further instability in this region also.

Effective delivery of promised U.S. aid will likely make the difference between success and failure of Plan Colombia. And that responsibility falls squarely on the shoulders of the executive branch, the Department of State, DOD in particular. This subcommittee will continue to play a key role in ensuring that the U.S. counterdrug aid to Columbia is both sufficient, appropriate, and delivered in a timely manner.

Finally, as we face this serious and growing challenge in Colombia, our vital national interests are undeniably at stake. Drug-related deaths, as we have had reported to this subcommittee, drug-related deaths now exceed homicides in the United States for the first time in our history. The flow of deadly high purity heroin and cocaine now flood our streets. The average beginning age of a heroin addict under the Clinton administration has dropped from age

25 to age 17. These are startling facts that I believe the fact that the influx of illegal drugs to the United States is our greatest social challenge, and most insidious national security threat. I know many of my colleagues on both sides of the aisle share this concern.

The situation in Colombia requires immediate attention, but the execution of U.S. aid and assistance in Plan Colombia needs to be carefully considered, especially in light of this administration's past track record. This hearing will shed light on their past record as we look for ways to ensure more timely and effective delivery for future aid. The lives of hundreds of brave Colombians and the lives of countless Americans here at home are at stake. With those comments, I am pleased to recognize for the purpose of an opening statement, the ranking member, the gentlelady from Hawaii, Mrs. Mink.

[The prepared statement of Hon. John L. Mica follows:]

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CHAIRMAN JOHN L. MICA
Opening Statement
Getting U. S. Aid to Colombia
October 12, 2000

Today this Subcommittee will once again examine the U.S. response to the growing crisis in Colombia. In July, the Congress passed a \$1.3 billion Supplemental aid package to support PLAN COLOMBIA. I voted for the aid because U.S. assistance is critical to combating drug trafficking and maintaining Colombia's democratic way of life. But, I am very concerned that the Colombian people may not see real help for months, even years to come. My concern stems from this Administration's poor track record of delivering previously authorized counterdrug aid and equipment. At this Subcommittee's request, the General Accounting Office (GAO) examined the Administration's efforts to date (namely those of the Department of State and Department of Defense). What they found is not encouraging. As noted in the title of their *draft* report, "U.S. Assistance to Colombia Will Take Years to Produce Results," the prognosis for future aid delivery is not good.

As we enter the 21st century, our hemisphere is facing one of the greatest challenges to our national security as the situation in Colombia continues to deteriorate. Left unchecked, the narco-terrorist threat in Colombia has continued to spiral out of control and now threatens Latin America's oldest democracy as well as stability in the region. As the illegal drug trade continues to grow, it fuels narco-terrorism; undermines legitimate government institutions and leads to increasing violence in the region. The impact of further destabilization of the region will have a devastating impact on our vital national security interests in the area.

After years of pleading and pressure by House members, the Administration finally submitted a Colombian aid proposal to Congress in February of this year. It arrived seven months after General McCaffrey sounded the alarm calling the situation in Colombia an "emergency" and four months after the Pastrana government submitted PLAN COLOMBIA officially asking for U.S. assistance.

Because the U.S. response has been slow to materialize, Colombia now supplies 80% of the world's cocaine and the vast majority of the heroin seized in the United States. Furthermore, over the last several years, there has been an explosion in coca cultivation in Colombia. The recent explosion in opium poppy cultivation in Colombia is equally disturbing. Through the DEA's Heroin Signature Program, we now know that Colombia (not the Far East) accounts for nearly 70% of the heroin seized on U.S. streets. All of these facts point to Colombia as the "center of gravity" of the drug supply line for the United States.

But, despite years of Congressional pleas for counterdrug assistance to Colombia, countless hearings, and intense congressional pressure, resources approved by Congress have failed to be provided to Colombia in a timely and effective manner.

First, information sharing was denied in 1994, turning the situation into "chaos" as my colleague from California Steve Horn so aptly described: ("As you recall, as of May 1, 1994, the Department of Defense decided unilaterally to stop sharing real-time intelligence regarding aerial traffic in drugs with Colombia and Peru. Now as I understand it, that decision, which hasn't been completely resolved, has thrown diplomatic relations with the host countries into chaos." - Congressman Steve Horn, August 2, 1994)

In 1996 and 1997, when this Administration decertified Colombia without a National Interest waiver, it severely undermined the legitimate drug fighting efforts of General Serrano and the Colombian National Police (CNP), cutting off International Military Educational Training (IMET) and critical equipment.

Even worse, today, with the absence of U.S. intelligence sharing, due in part to the reduced air coverage after the forced closure of Howard Air Force Base in Panama our counterdrug efforts in the region has been further crippled. Without an adequate contingency plan, there now exists a gap in coverage as the new Forward Operating Locations (FOL's) come on line. The Commander-in-Chief for the U.S. Southern Command testified at one of our hearings this year that the Department of Defense can only cover 15% of key trafficking routes only 15% of the time. It may be after the year 2002 before our anti-surveillance capability is restored.

The Congress passed a supplemental aid package in July to increase the funding for counternarcotics work in Colombia. This wasn't the first time we pumped money into counterdrug efforts in Colombia. Colombia received almost \$300 million funding under the Fiscal Year 1999 Supplemental Spending Bill passed when Dennis Hastert (now our Speaker) was Chairman of this Subcommittee. Sadly, less than half of the equipment Congress funded in that bill has been delivered or is operational. This Administration's poor track record was the subject of the GAO investigation [hold up the report].

The report concluded that the United States "has encountered long-standing problems in providing counternarcotics assistance to Colombian law enforcement and military agencies involved in counternarcotics activities." The report went on to say, "these problems continue." The report cites that the Department of State "has not provided enough financial or logistical support" to the Colombian National Police helicopter program.

This Administration has resisted congressional efforts to ensure that needed drug-fighting equipment makes it to Colombia in a timely manner. The Administration has fought the Congress for years on Blackhawk utility helicopters for the Colombian National Police and has a pathetic track record of delivering this type of assistance. In fact, even 3 helicopters, which account for the bulk of aid dollars in fiscal year 1999, when finally delivered to the Colombian National Police sat idle for lack of proper floor armoring and ammunition.

Despite this poor track record, this Administration once again requested helicopters (this time for the Colombian Armed Forces) as the bulk of the aid proposal submitted this past February. Given the high cost of these assets and the poor delivery track record of the State Department (INL), I am deeply concerned about committing hundreds of millions of U.S. taxpayer dollars to a program that has not worked well in the past. As Chairman of this Subcommittee, I want to pursue programs that have a proven track record of success.

Complicating the equation is the increased activity by Colombian rebels, namely the 17,000 member narco-terrorist army known as the FARC and the 5,000 member ELN. This army of insurgents now controls nearly 40% of Colombian countryside. The FARC army has gone largely unchecked and is now expanding beyond Colombia's borders. I am deeply concerned about reports of FARC incursions into neighboring countries. The rebels are heavily financed by the illegal drug trade and earned an estimated \$600 million per year from illicit drug activity.

The basic tenet of the Administrations aid package is to use the Colombian military and the Colombian National Police to push into Southern Colombia. I know it, you know it, and the rebels know it. We have been advertising this fact for over a year now. As a result the rebels

have done two things, they have fortified their defenses in the area in anticipation of the Colombian troops and they are exploring other areas of cultivation in and outside Colombia. When I asked about defensive countermeasure capability to ensure the safety of the Colombian security forces and protect our investment, State Department said they don't have "definite proof" of a Surface to Air missile (SAM) threat in Southern Colombia. I can tell you that any organization that can build a submarine a few miles from Bogota capable of carrying an astonishing 200 tons of cocaine, can buy Surface to Air missiles.

One of the points that needs to continually be reemphasized to the American public is that Colombia matters: economically and strategically. With 20% of the U. S. daily supply of crude and refined oil imports coming from that area and with the vitally important Panama Canal located just 150 miles to the north, -- the national security and economic implications of Colombian rebel activity spilling over into neighboring countries are enormous. For all of these reasons, the United States can ill afford further instability in the region.

Effective delivery of promised U.S. aid will likely make the difference between success and failure of PLAN COLOMBIA. And that responsibility falls squarely on the shoulders of the Executive Branch and the Department of State and Department of Defense in particular. This Subcommittee will continue to play a key role in ensuring that United States counterdrug aid to Colombia is sufficient, appropriate and delivered in a timely manner.

As we face this serious and growing challenge in Colombia, our vital national interests are undeniably at stake. Drug related deaths now exceed homicides in the United States. The flow of deadly high purity heroin and cocaine now flood our streets. The average beginning age of a heroin addict under the Clinton Administration has dropped from age 25 to 17. I believe that the influx of illegal drugs to the United States is our greatest social challenge and most insidious national security threat. I know that many of my colleagues share this concern.

The situation in Colombia requires immediate attention, but the execution of U.S. aid for PLAN COLOMBIA needs to be carefully considered, especially in light of this Administration's past track record. This hearing will shed light on their past record, as we look for ways to ensure more timely and effective delivery of future aid. The lives of hundreds of brave men of the Colombian Security Forces and the lives of countless American children here at home depend on us.

Mrs. MINK. Thank you, Mr. Chairman. I am pleased that we're having this hearing today to learn about the administration's plans to implement the massive aid package to Colombia that Congress voted on earlier this year. It's absolutely clear that there is a crisis in Colombia. Colombia is now the world's leader in coca cultivation, and the source of 80 percent of the world's cocaine. At the same time, armed insurgence groups are increasingly involved in the drug trade, and the government doesn't have control over almost half of the country.

All of this is against a backdrop of a country that has been fighting a civil war for decades. A war that has killed tens of thousands of people and displaced over a million. Media accounts of human rights abuses, kidnappings and internal refugees in Colombia have become all too common. The United States has an interest in seeing this situation in Colombia reverse itself. The drugs that are grown in Colombia end up on the streets of the United States.

The DEA estimates that 75 percent of the heroin seized in the United States originates in Colombia. To this end, the U.S. Government has committed \$1.3 billion to help the Colombian Government eradicate this drug trade. \$1.3 billion is a lot of money. However, I am concerned that the aid we are providing in the form of military equipment training and personnel will actually get the United States more involved in the Colombian civil war than it will deal with the drug problem in the United States. This concern that I know many of the Members of Congress share must be taken seriously.

The Department of State Inspector General conducted an audit of the aid programs in Colombia, administered by the State Department. One of the conclusions of that audit was that it was unclear whether the eradication program today has decreased the supply of drugs from Colombia and whether this program has had any impact on the U.S. drug market.

This audit also found in the drugs have moved from one region in Colombia to another and that they now concentrated in southern Colombia. The Colombian Government has not allowed full scale access into this region. However the criticism has been made that even if there were a full scale eradication effort in southern Colombia, the drugs will just move somewhere else, such as Ecuador, Brazil or Peru. Sadly, this is now becoming a reality.

According to a Washington Post article of October 1, right wing paramilitary groups as well as left wing insurgence groups from Colombia have already become a presence in the Ecuadoran border with Colombia. According to this article, the fighters from Colombia's right wing militias have been arrested for running extortion rings in Ecuador, and Colombia's largest rebel group, the FARC, easily cross the borders into Ecuador. It's imperative that we seriously consider the real possibility of unintended consequences of this aid package, specifically, that we move the drug problem from one area to another or from one country to another, and that the United States becomes increasingly involved in the civil war.

I am concerned that there is evidence that these possibilities are in fact becoming realities. I thank the chairman for holding these important hearings today. I would like to thank him for agreeing to our request to invite Mr. Andrew Miller from Amnesty Inter-

national to testify this afternoon. I look forward to all the testimony and the witnesses. Thank you very much.

Mr. MICA. Thank the gentlelady. I am pleased now to recognize the gentleman from Maryland, Mr. Cummings.

Mr. CUMMINGS. Thank you, Mr. Chairman. I really appreciate your calling this hearing on getting U.S. aid to Colombia. From 1996 to 2000, Departments of State and the Federals and the U.S. Agency for International Development have provided at least \$761 million in counternarcotics assistance to Colombia. It is fitting, since Colombia is the world's leading producer of cocaine and has become the major source of heroin that has devastated my community in Baltimore. Unfortunately not only are large amounts of heroin coming into my district, but the purity has increased.

According to the DEA's domestic monitoring program, during the timeframe of October to December 1999, the average purity of south American heroin purchased through DNP buys in Baltimore tested 13.3 percent higher than the national average for that same timeframe.

The high purity of these drugs has led to overdoses and emergency room visits that have taken a real toll on the health care infrastructure of my community. I strongly believe that we must support efforts to stop drugs from coming into our country. However, stopping drug abuse addiction and its related crime requires a three-pronged approach. It must encompass clear balanced and adequately funded education prevention, treatment, and interdiction strategies.

My constituents have voiced concern about the amount of funding that we are spending toward the interdiction efforts. I also believe that our investments in treatment have not been balanced. Despite our grave concerns regarding the lack of funding for drug treatment and allegations of human rights abuses and corruption by Colombia's military and police forces, I voted in favor of the supplemental appropriations bill that added to the overall U.S. contribution of \$1.3 billion to assist Andreas Pastrana's \$7.5 billion Plan Colombia.

We were led to believe that after the United States anted up their portion, European nations and others would follow suit and largely fund critical economic and social programs. Unfortunately, that funding has not come forth.

Mr. Chairman, we are dealing with a complex situation. Pastrana's government is fighting two major insurgence groups and a plethora of well-financed and technologically advanced drug trafficking organizations, a combination that has been deadly to both our nations. Moreover, members in the military forces have been accused of human rights abuses and corruption. The GAO report we are going to discuss today has raised more concerns for me. Although they believe that U.S. assistance has helped, they have also reported that there have been problems with planning, budgeting and implementation of the \$1.3 billion.

Mr. Chairman, I am looking forward to the hearing today and to the testimony so that I can get a better understanding of how we can make our assistance to Colombia work as efficiently and effectively as possible. We must work to protect our children and fami-

lies from the scourge of drug addiction and abuse. Thank you very much.

Mr. MICA. Thank the gentleman. I would like to recognize the gentlelady from Illinois, Ms. Schakowsky.

Ms. SCHAKOWSKY. Thank you, Mr. Chairman. I voted against Plan Colombia, and it's not because I am against helping Colombia. I would like to see us put more into strengthening the rule of law which help Colombian citizens and help promote a peace process there, and nor is it because I am against our taking aggressive and bold action against drugs abuse, but I think that the most effective and proven way to go is for us to spend more in the United States on the demand side as opposed to the supply side. But the real reason that I opposed the funding for Plan Colombia is the repeated evidence of human rights abuse and U.S. dollars going to oppress the people of Colombia.

We have a GAO report that we're going to be discussing today. It confirms my initial concerns that, in essence, it says that Plan Colombia, in my interpretation, is nothing more than a plan to put all of our eggs in one flawed basket. The ONDCP warns us that growers are now using higher yielding varieties of coca leaf and have become more efficient in processing leaves into cocaine. In the past, our attacks on the drug supply resulted in an adaptation that left us with a more potent problem than we had before.

Another problem that this report reveals is that Plan Colombia could simply result in American support for human rights abuses abroad. The report noted concerns expressed by U.S. Embassy officials that the Colombian National Police does not always provide documentation about its use of counternarcotics assistance. We're begging for trouble. There are many more problems with this effort that the report revealed. Colombia is not ready to handle their share of the management of the program. It may take years for Colombia to implement the systems and develop the staff necessary to take control. Moreover, Colombia has not raised its share of the funds necessary to successfully prosecute the plan.

I want to call your attention to an article that was in the L.A. Times on October 11th that says that the massive U.S.-backed antidrug offensive in Colombia is hitting major funding roadblocks with European countries refusing to ante up more than \$2 billion, and the Colombians themselves aren't sure that they have the means to put up an additional \$4 billion. The reluctance of international donors and the seeming inability of the Colombians to fund the \$7.5 billion aid effort, "leaves the American stepping up to the plate and everybody else walking away from it," said a senior Clinton administration official. If the Colombians and others don't come up with the money soon, the ambitious program could be limited to the \$1.3 billion and largely military assistance from the United States, which administration officials say cannot put more than a dent in the country's powerful drug trade.

In Chicago, there was a hearing of what is called a tribunal of opinion that was conducted by the Center for International Human Rights at Northwestern School of Law on September 22nd and 23rd, with very prestigious members of our legal and human rights community as hearers of testimony. And I'll tell you I met with a number of people who lived in a small village of Santo Domingo

where 7 children and 10 adults were murdered. It was 19 civilians killed and 25 others injured in Santo Domingo, Colombia on December 13, 1998. And there is credible evidence that U.S. Government funds, which were made available to the Colombian military, were responsible.

Now, I want to tell you, I met with a mother who showed me pictures of her five children, three of whom are dead as a result of this bombing. This woman is not a terrorist, she's not a guerrilla, she is a woman living with her children in a village that probably was bombed as a result of U.S. aid to Colombia. I think we need to step back from this, figure out if we're really going to achieve the results that we want. I think we will not. And see if we want to be complicit in the kinds of atrocities that I think there is growing evidence is happening in Colombia using U.S. taxpayer dollars. I certainly don't want to be part of that.

Thank you, Mr. Chairman.

Mr. MICA. I thank the gentlelady. Additional opening statements? If there are no additional opening statements, Mrs. Mink moves that the record be left open for a period of 2 weeks for further submissions of statements. Without objection, so ordered. I am pleased now to recognize two individuals who really need no introduction but make up our first distinguished panel this afternoon. First is the chairman of our House Government Reform Committee, we're a subcommittee of the full committee, and that's the honorable Dan Burton from Indiana. And the second individual is the chairman of the House International Relations Committee, the gentleman from New York, Mr. Gilman. Pleased to recognize the Chair of our full committee first. I guess that would be the proper order. You're recognized and welcome, sir.

**STATEMENT OF HON. DAN BURTON, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF INDIANA**

Mr. BURTON. Thank you very much, Chairman Mica. My daughter right now is in surgery and I've got to catch a plane, so I will submit my full statement for the record as well as exhibits that I would like to have shown, but I do have to leave. I would just like to make a couple of points that I think are extremely important. Chairman Gilman and you and I, Speaker Hastert for the past 4 or 5 years, have been working on the Colombian problem. And I think it's important that all the members of the subcommittee and anybody who's paying attention really understand the full scope of the problem. The human rights atrocities that have taken place down there, Ms. Schakowsky, are wrong. Those have not come at the hands of the Colombian National Police; it's been the Colombian military.

One of the problems we have with Plan Colombia is that we're giving a disproportionate share of the money to the very people who have been perpetrating these human rights violations. We should be giving that money to the Colombian National Police.

Now this was a decision of the administration and the State Department. I don't know why they're doing it.

In addition to that, we're sending helicopters down there finally, and the people who know how to fly those helicopters are the Colombian National Police. The people who know how to maintain

those helicopters are the Colombian National Police. Yet the overwhelming amount, a majority of the aid and equipment, is going down to the people who are perpetuating these human rights atrocities. I don't understand it.

General Serrano and his successors have pledged to make sure that they fight this war in as humane a way as possible and protect the civilian population, but that's not what Plan Colombia is all about.

Bogota, Colombia, is closer to us right now than it is to Mr. Ose's district. That's how close we're talking about.

Mr. Cummings said a while ago that the problems in Baltimore are out of control. Some of his colleagues in the legislative branch of the city council say that one out of eight people are addicted to heroin. It is a national tragedy. We're losing 17,000 people a year to drug addiction. They're dying.

Now, we saw just recently an overwhelming outpouring of concern about Firestone tires, 100 people died. And it's tragic, 100 people. 17,000 are dying a year from drug addiction and overdoses; and this is a major, major problem. We have to deal with the problem in Colombia as well as here.

I'm for education, as you talked about, Mr. Cummings and Ms. Schakowsky. I'm for treatment centers. I think that's important, too. But you've got to go to the source. Can you imagine dealing with the people who had suffered from the Firestone tragedy by saying, we're going to help you folks out, but we're not going to deal with the production problem at Firestone. Of course, you have to go to the source of the problem. We have to go to the source of the problem in Colombia.

The FARC guerrillas have sanctuary down there right now. They can go out and attack and kill people. They have taken the Colombian National Police and mayors down there, they have burned their wives and children alive. They have cut their heads off—talk about human rights violations—and they played soccer with them in the town square. They put their heads up on pipes to scare everybody to death. That's how bad the situation is.

Now, you know there's a commercial in Indiana that I've seen where a guy is working on a transmission. And—not a transmission but an auto engine. He's got a Fram oil filter. He says, you know you can change your oil filter and save your engine. You can pay me now or pay me later. I really believe that if we don't deal with the Colombian tragedy and problem down there now, down there, we're going to rue the day we didn't.

A couple of other things that ought to be thought about.

The largest supplier of oil to the United States that we know is in an energy difficult situation right now is Venezuela. It's right on the border of Colombia. Just yesterday in—was it—where was it—in Ecuador, we believe, FARC guerrillas flew in there in a helicopter and took five civilians out and made them hostages for ransom. So they're now going beyond their borders. This whole area is a tinderbox down there. The people who are running the FARC guerrillas are Communists who have been working with Fidel Castro for training. This is not baloney. This is a fact. So we really have to deal with that problem down there.

The Panama Canal which we used to defend with our military is defenseless now. The narcotic guerrillas know it is 150 miles away. So we've got a problem with Venezuela as far as our oil supplies. The whole area down there is at risk. Mr. Pastrana, the President down there, has given sanctuary to the FARC guerrillas so they can go out and attack and go back in and be protected.

We either help now or we're going to pay the price later. We're going to pay the price probably with more military expenses than we can visualize today. We may even have American troops down there, whether we want to or not. Certainly if we don't deal with it we're not going to stem the tide of heroin and cocaine coming into Baltimore, MD.

So, yes, we need to educate. Yes, we need to have programs to rehabilitate people where we can. But we've got to go to the source and fight those people and stop the drug production. Because, if we don't, it's going to continue to come in here.

You and I know that the way to get carriers of drugs is at to take an African American child in Baltimore or some place and they get him hooked and they make that kid the person who's going to carry the drugs and get other people hooked. So as long as the profitability is there and as long as the production is there down in Colombia, they're going to continue to do that. We've got to do something about it.

Now, Mr. Beers, who is here from the State Department, the Plan Colombia sounded good. Not everything we wanted but it sounded good at the beginning. Then Chairman Gilman and I at the International Operations Committee about fell out of our chairs when we found out they were cutting back the number of helicopters down there. They're giving most of them to the military who we know are prepared to use them and who we know is violating the human rights. They're not giving to the CNP, and they're not going to get there until 2002.

Now, they're going to tell you today they changed that. I'd like to know—I hope Mr. Beers will tell you why they're changing that timetable. But even if they change the timetable, they have to have competent pilots to fly those planes and mechanics to work on them, and they don't in the military. They do in the CNP. So the State Department and the administration in my opinion needs to rethink Plan Colombia, take into consideration human rights atrocities and violations and make sure we're putting the money and the equipment where it's going to do good as well as protecting those women and kids you're talking about down there.

I'm sorry I didn't have time to go into my whole statement, but I think you got the gist of what I feel. Thank you very much.

Mr. MICA. Thank you, Mr. Burton. Without objection his entire statement will be made part of the record, and we'll excuse you at this time.

Pleased to recognize now the Chair of our International Relations Committee and also member of our panel, the gentleman from New York, Chairman Gilman.

**STATEMENT OF HON. BENJAMIN GILMAN, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF NEW YORK**

Mr. GILMAN. Thank you, Chairman Mica, my colleagues. I want to thank you for conducting this extremely important hearing on a vital area, an area vital to our drug war and our Nation's policy on elimination of drug abuse.

The Clinton administration has been given \$1 billion in U.S. taxpayer dollars to help Colombia in our common struggle against illicit drugs, and yet there's an obvious lack of clarity and direction coming from the administration about our national policy at this critical point of implementation of our military aid to Plan Colombia.

Uncertainty can spell serious trouble down the road for our vital national interests in Colombia. What we need from our policymakers is clarity and strong leadership. A clear, definable and achievable objective must be articulated regarding our U.S. policy in Colombia. The policy must be articulated in a manner in which the American people can readily understand it and, in turn, support it.

Colombia's democratic survival from the onslaught of narco-terrorism and the destruction of its massive cocaine and heroin production network are important goals in this vital national interest. We owe our young people and the democratic Colombia Government help in this common, two-prong fight which we cannot afford to lose. Once the American people fully understand these goals, we're going to have to convince them that we can and will achieve success in Colombia.

We recently met with General Gilbar of the Colombian National Police, and he told us that he sees in sight the achievement of a goal of a drug-free Colombia. We've already done so in part by helping the Colombian National Police elite anti-drug unit do the drug fighting job themselves, without expending any American lives in this not-so-far-off land. Bear in mind Bogota is only 3 hours away from us from Miami, and what happens there can affect all of us here in our own Nation.

Colombia does not want, and has never asked for, American blood to be shed on its battlefields as that beleaguered nation faces a potential "narco state" status.

If, along with the rest of the world, especially Europe, we help them with appropriate aid, they can win. So let us be perfectly clear and let's not be fooled by that old "it's another Vietnam" canard some know is trying to sell to the American people.

On the military front, the Colombians have only asked for training and received some of the mechanical means—helicopters, for example, they don't want troops—to help them reach parts of their rugged countryside which is controlled by the narco-guerrillas and used in producing illicit drugs intended for use by Americans and by the European continent.

Today, more than 80 percent of the cocaine that enters our Nation, 80 percent, along with 70 percent of the heroin sold or seized on our streets and destroying our youngsters comes from that remote, inaccessible area of Colombia. We must help them destroy those drugs so that in turn we know who is financing the self-sufficient insurgency that threatens their very own democracy.

For years we've worked side by side with the elite anti-drug unit of the Colombian National Police [CNP], to destroy the powerful Cali and Medellin drug cartels.

Mr. Chairman I don't know if you had an opportunity to see the—there was a special documentary the other night. I thought it was very forceful. I hope that my committee will have an opportunity to see a replay of that. It really showed explicitly the millions of dollars that the drug lords were earning each and every day from this illicit trade.

These courageous police officers who are fighting the drug war have suffered nearly 5,000 deaths in their war over a 10-year period—5,000 officers killed. General Serrano, who recently retired, said he was sick of having to attend the funerals of his close associates.

Just recently, newer organizations controlling 80 percent of the coca business from Colombia were taken out by the CNP, working with our own outstanding DEA officers. Just like in our Nation, drug fighting is a primary law enforcement function in Colombia. It's not a military function.

With a few of the new, well-armed, high performance utility helicopters which we recently provided, these courageous drug-fighting police, the CNP, have destroyed record-shattering areas of coca for cocaine, along with opium, essential for heroin production.

As a result of these relatively inexpensive police efforts, compared to the billions in annual societal loss here from these illicit drugs coming from Colombia, we see record high prices for cocaine with very low purity on our streets today. We'll soon see the same disruption with Colombian heroin. This in turn will mean fewer American children will be able to buy and become addicted or overdose on these kind of deadly drugs.

The Colombian drug traffickers are screaming loudly about the anti-drug police onslaught with their new drug-fighting equipment used against their illicit crops which they pay the narco-guerrilla insurgency so handsomely to protect. We're making major progress.

The Peruvian Government confirms its progress in Colombian opium reduction, reports that the Colombian traffickers know is rapidly expanding opium production in several departments in that neighboring nation where it was unknown before. We need a Peruvian plan of attack as well for this administration and a better regional game plan or we'll be headed to failure as they move from one area to another.

And we need, too, my colleagues, to combine this wise path of supporting the Colombian police in the fight against drugs. Those efforts will in turn help drain the swamp of the vast profits from illicit drugs which in turn finance that civil insurgency that is threatening Colombian democracy.

I remember when Congressman Rangel and I visited Colombia many years ago. We visited the plaza in Bogota, and we saw the Supreme Court which had been burned down by the drug traffickers as they attacked the whole court system and were virtually holding hostage all of the judges, and they had to go in with tanks to get them free. These drug traffickers know no bounds. They go in every direction and attacking a government at its very vital organs is not beyond their means.

We need to continue the wise path of supporting the Colombian police in the fight against drugs. Those efforts can help to fight the civil insurgency that threatens the very basis of Colombia.

Our continued drug-fighting effort will level the playing field. It will also give the military in Colombia a chance to get its act together. Perhaps 1 day it will enable the military to fight the insurgency on an equal footing, consistent with respect for human rights just as the CNP anti-drug unit do.

We were informed last week that, instead of the two new Blackhawks for the CNP that were designated in an emergency supplemental which we passed earlier this June with a strong vote in the House, that the administration will fund only one of those choppers. They tell us they will go back and properly reconfigure the six operational Blackhawk police choppers down there already, as they should have been originally, with the \$96 million we provided in 1998.

I will not support any reprogramming request to cut the CNP's Blackhawk allotment, and I urge our colleagues not to do the same. It runs counter to the emergency supplemental conference report explicit language and good common sense. The Colombian drug police who are performing the job need more Blackhawks, not less.

The administration, after years of neglect and in its near panic about a narco state emerging in Colombia as yet another looming foreign policy failure, has finally moved to get support for Plan Colombia, which has the strong support of our Speaker and in committee.

Mr. Chairman, I applaud you for your support of all of these efforts. We need to learn from the mistakes made in providing aid to our CNP allies and to get it right this time, and I look forward to hearing today from the administration witnesses with regard to that enormous challenge today.

With regard to the concerns about human rights violations, I want to remind the committee that in more than 10 years of our Nation's assistance to the anti-drug police in Colombia there has been no credible evidence of any human rights abuse by the PLANTE, the CNP anti-drug unit.

So, Mr. Chairman, again I thank you for this hearing and for focusing attention on what should be done in Colombia at this very important junction. Thank you.

Mr. MICA. I thank you, Chairman Gilman; and I applaud your efforts. We also appreciate your testimony.

You're also a member of this subcommittee and invite you to join the panel if you would. I also applaud you for your efforts to seek peace and resolution not only in this area under consideration today, Colombia. You've done an incredible job and been persistent for some 6 years now there and in the Mideast, and I know how frustrated you must feel today with both areas in a state of chaos. It concerns us all.

But, again, we thank you; and I'll excuse you at this time.

Mr. GILMAN. Thank you, Mr. Chairman.

Mr. MICA. Let me, if I may, call our second panel of witnesses today.

They consist of Mr. Jess T. Ford, who's Associate Director of International Relations and Trade Issues with the General Ac-

counting Office; the Honorable Rand Beers, who is the Assistant Secretary of the Bureau of International Narcotics under the State Department; Brigadier General Keith Huber, who is the Director of Operations for U.S. Southern Command.

And although we have printed Mr. Brian Sheridan, Assistant Secretary of Defense, he has been called with the current crisis in the Mideast I believe to the White House; and we have Anna Marie Salazar, who is Deputy Assistant Secretary for Defense Drug Enforcement Policy and Support at DOD.

If you all could come forward. This is, as you know, an investigations and oversight subcommittee of the House of Representatives. In that regard, we do swear in our witnesses. If you would stand. Raise your right hands, please.

[Witnesses sworn.]

Mr. MICA. The witnesses answered in the affirmative.

We welcome the witnesses. We will be glad to hear your oral testimony.

We're going to run the clock. Try to limit it to around 5 minutes if we can. We do welcome any submissions to the subcommittee for the record, and the entire statement will be made part of the record upon request.

With that, let me recognize first Mr. Jess T. Ford, Director of the International Affairs and Trade Issues Office of the General Accounting Office. Mr. Ford, you're recognized.

STATEMENTS OF JESS T. FORD, ASSOCIATE DIRECTOR, INTERNATIONAL RELATIONS AND TRADE ISSUES, NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION, GOVERNMENT ACCOUNTING OFFICE; RAND BEERS, ASSISTANT SECRETARY, BUREAU OF INTERNATIONAL NARCOTICS, DEPARTMENT OF STATE; BRIGADIER GENERAL KEITH HUBER, DIRECTOR OF OPERATIONS, U.S. SOUTHERN COMMAND; AND ANA MARIE SALAZAR, DEPUTY ASSISTANT SECRETARY FOR DEFENSE DRUG ENFORCEMENT POLICY AND SUPPORT

Mr. FORD. Congressman Mica, Congresswoman Mink and members of the subcommittee, I am pleased to be here today to discuss the work you requested on the counternarcotics efforts of the United States and Colombia. Today I will highlight the preliminary findings from our ongoing review on U.S. assistance to Colombia. We plan to issue or report early next week.

I plan this morning this afternoon to discuss three broad issues: first, how the drug threat has changed in recent years; second, the problems the United States has had in providing its assistance to Colombia in the past; and, third, the challenges that the United States and Colombia face in reducing the illegal drug activities.

In October 1999, the Colombian Government announced a \$7.5 billion plan known as Plan Colombia, which among other things proposes the reduction of cultivation, processing and the distribution of narcotics by 50 percent over the next 6 years. Colombia has pledged to provide about \$4 billion to support the plan and called on the international community, including the United States, to provide the remaining \$3.5 billion. To assist this effort, in July of this year, the United States agreed to provide about \$860 million to Colombia for fiscal years 2000 and 2001 in addition to the regu-

lar U.S. assistance program estimated at about \$330 million for fiscal year 2000–2001. U.S. counternarcotics assistance to Colombia has doubled since 1999.

Mr. Chairman, I'm not going to review the threat issue because it's already been discussed several times. It's commonly known that there's a major threat in Colombia. It is, in fact, a major producer of cocaine entering the United States.

I think what I'll try to focus on is the two main issues related to our assistance effort. The United States has had longstanding problems in providing counternarcotics assistance to Colombian law enforcement and military agencies involved in counternarcotics activities. Although U.S.-provided assistance such as aircraft, boats and training has enhanced Colombian counternarcotics capabilities, it has sometimes been of limited utility because the United States did not provide spare parts or the funding necessary to operate and maintain them to the extent possible for conducting counternarcotics operations.

Moreover, the U.S. Embassy has made little progress in implementing a plan to have the Colombian National Police assume more responsibility for the aerial eradication program which currently requires the assistance of costly U.S. contractors. U.S. Embassy officials also expressed concern that the National Police have not always provided documentation to show the use of some of the assistance.

The United States and Colombian Governments face a number of management and financial challenges in implementing Colombia's strategy to reduce cultivation over the next 6 years. Although both governments are taking actions to address the challenges, at this point the total cost and activities required to meet the plan's goals remain unknown, and significantly reducing drug activities may take several years.

U.S. aid agencies, including the Department of State, Department of Defense and USAID, are still developing comprehensive plans for eradication and interdiction activities and alternative development programs. However, negotiating for the manufacture and delivery of major equipment, such as helicopters, is ongoing and staffing new programs in Colombia will take time. As a result, agencies do not expect to have many of the programs to support Plan Colombia in place until late 2001.

Officials from State and DOD are now determining how the Blackhawk and Huey II helicopters mandated by the Congress for Colombia will be equipped and configured. They do not yet know if the funding plan for fiscal year 2000 and 2001 to support Plan Colombia will be sufficient. In addition, State officials have begun planning for funding in fiscal year 2002 and beyond to continue the plan. While estimates have not been completed, these officials have stated that substantial funding may be needed.

Colombia is relying on international donors in addition to the United States to fund Plan Colombia. But much of the support has yet to materialize. To date, the Colombian Government has not shown that it has the detailed plans and funding necessary to achieve these goals.

Colombia faces continuing challenges associated with its political and economic instability fostered by its longstanding insurgency

and the need for the police and the military to comply with human rights standards.

As evidenced by past U.S. counternarcotics assistance programs, the United States has not always provided the necessary support to operate and maintain the equipment to the extent possible to help counter the illegal drug activities. If these problems continue, the dramatic increase in U.S. support for Plan Colombia may not be used in the most effective way. At a minimum, if the United States and Colombia do not follow through with their commitments under Plan Colombia and the international donor community does not support appeals for additional assistance, Plan Colombia may not be able to succeed as envisioned.

Mr. Chairman, that concludes my statement. I'll be happy to answer any questions.

[The prepared statement of Mr. Ford follows:]

United States General Accounting Office

GAO

Testimony

Before the Subcommittee on Criminal Justice, Drug Policy,
and Human Resources, Committee on Government Reform,
House of Representatives

For Release on Delivery
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DRUG CONTROL

**Challenges in Implementing
Plan Colombia**

Statement of Jess T. Ford, Director
International Affairs and Trade



Mr. Chairman and Members of the Subcommittee:

I am pleased to be here today to discuss the work you requested on the counternarcotics efforts of the United States and Colombia. Today we will highlight the preliminary findings from our ongoing review of the U.S. assistance to Colombia. Our draft report is with the responsible agencies for comment; we expect to issue a final report at the end of October. I will discuss three broad issues: (1) how the drug threat has changed in recent years, (2) problems the United States has had in providing its assistance to Colombia in the past, and (3) challenges the United States and Colombian face in reducing the illegal drug activities.

In October 1999, the Colombian government announced a \$7.5 billion plan, known as Plan Colombia, which among other things, proposes reducing the cultivation, processing, and distribution of narcotics by 50 percent over 6 years. Colombia has pledged to provide \$4 billion to support the plan and called on the international community, including the United States, to provide the remaining \$3.5 billion. To assist in this effort, in July 2000, the United States agreed to provide about \$860 million to Colombia for fiscal years 2000-01¹ in addition to the more than \$330 million in U.S. assistance planned for fiscal years 2000-01.

Summary

U.S. estimates indicate that the drug threat from Colombia has both expanded and become more complex over the past several years. During fiscal years 1996-2000, the United States provided Colombia more than \$765 million in assistance to help reduce illegal drug activities. Nonetheless, Colombia remains the world's leading producer of cocaine, doubling its production during 1995-99. Over this period, Colombia also became the major source of heroin consumed in the United States. Furthermore, the number and types of organizations, including insurgent groups, involved in illegal drug activities has increased and these groups control more than 40 percent of Colombia's territory. Both these factors make eradication and interdiction operations to reduce illegal drug activities more difficult.

The United States has had long-standing problems in providing counternarcotics assistance to Colombian law enforcement and military agencies involved in counternarcotics activities. Although U.S.-provided assistance such as aircraft, boats, and training has enhanced Colombian counternarcotics capabilities, it has sometimes been of limited utility because the United States did not provide spare

¹The act (Division B of P.L. 106-246) provides \$1.3 billion, but about \$440 million was for other Andean countries and for U.S. agencies involved in drug interdiction and law enforcement.

parts or the funding necessary to operate and maintain them to the extent possible for conducting counternarcotics operations. Moreover, the U.S. Embassy has made little progress implementing a plan to have the Colombian National Police assume more responsibility for the aerial eradication program, which requires the assistance of costly U.S. contractors. U.S. Embassy officials also expressed concern that the National Police has not always provided documentation about its use of some counternarcotics assistance.

The U.S. and Colombian governments face a number of management and financial challenges in implementing Colombia's strategy to reduce the cultivation, processing, and distribution of narcotics by 50 percent in 6 years. Although both governments are taking certain actions to address the challenges, at this point however, the total cost and activities required to meet the plan's goals remain unknown, and significantly reducing drug activities will likely take years.

- U.S. agencies, including the Departments of State and Defense (DOD) and the U.S. Agency for International Development (USAID), are still developing comprehensive implementation plans for eradication and interdiction operations and alternative development projects.² However, negotiating for the manufacture and delivery of major equipment, such as helicopters, is ongoing and staffing new programs in Colombia will take time. As a result, agencies do not expect to have many of the programs to support Plan Colombia in place until late 2001.
- Officials from State and DOD are now determining how the Blackhawk and Huey II helicopters mandated by the Congress for Colombia will be equipped and configured. They do not yet know if the funding planned for fiscal years 2000-01 to support Plan Colombia will be sufficient. In addition, State officials have begun planning for funding in fiscal years 2002 and beyond to continue the Plan Colombia programs initiated in fiscal years 2000-01. While estimates have not been completed, these officials stated that substantial funding would be needed.
- Colombia is relying on international donors in addition to the United States to help fund Plan Colombia, but much of that support has yet to materialize. To date, the Colombian government has not shown that it has the detailed plans and funding necessary to achieve stated goals.

²State and DOD manage most of the U.S.-provided counternarcotics assistance; USAID oversees related development assistance programs.

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- Colombia faces continuing challenges associated with its political and economic instability fostered by its long-standing insurgency and the need to ensure that the National Police and military comply with human rights standards in order for U.S. assistance to continue.

As evidenced by past U.S. counternarcotics assistance programs, the United States has not always provided the necessary support to operate and maintain the U.S.-provided equipment to the extent possible to help counter the illegal drug activities in Colombia. If these past problems continue, the dramatic increase in

U.S. support for Plan Colombia will not be used in the most effective way. At a minimum, if the United States or Colombia does not follow through on its portion of Plan Colombia, or other international donors do not support Colombia's appeals for additional assistance, Plan Colombia cannot succeed as envisioned.

Background

For more than two decades, the United States has supported Colombia's efforts to reduce drug-trafficking activities and to stem the flow of illegal drugs entering the United States. Table 1 shows the U.S. assistance provided to Colombia during fiscal years 1996-2000.

Table 1: U.S. Counternarcotics Assistance to Colombia (Fiscal years 1996-2000)

(Dollars in millions)

Agency	1996	1997	1998	1999	2000 ^a	Total
State ^b	\$22.6	\$44.4	\$83.1	\$237.7	\$76.3	\$464.1
DOD ^c	14.5	53.2	61.4	80.9	72.5	282.5
USAID	0	0	3.3	6.3	9.0	18.6
Total	\$37.1	\$97.6	\$147.8	\$324.9	\$157.8	\$765.2

^aWe did not include the \$860 million appropriated through the Emergency Supplemental Appropriations Act, FY 2000 (Division B of P.L. 106-246) in fiscal year 2000 figures because the agencies have not yet allocated the funding between fiscal years 2000 and 2001.

^bIncludes \$173.2 million in Colombia-specific counternarcotics assistance provided to State in the Omnibus Consolidated and Emergency Supplemental Appropriations Act, Fiscal Year 1999 (Division B of P.L. 105-277).

^cIncludes amounts delivered through September 1, 2000, from emergency drawdowns of DOD inventories authorized in fiscal years 1996, 1997, 1998, and 1999. For fiscal year 1996, DOD could not provide funding data on its other assistance programs.

The Colombian government's \$7.5 billion, 6-year Plan Colombia represents a significant change from prior efforts. The government recognizes that the program must address the conditions that foster the growth in illegal drug activities. Central to the program is the Colombian government's effort to regain control of the drug-producing regions of the country from insurgent and paramilitary groups, increase drug interdiction efforts, provide coca farmers alternative ways to earn a living, and enhance the protection of human rights. All key Colombian ministries, including the Justice and Defense ministries, are assigned roles and specific tasks in the plan.

In July 2000, Congress appropriated over \$860 million in additional funding for fiscal years 2000-01 to directly support activities in Plan Colombia.³ The activities include providing equipment, such as helicopters and fixed-wing aircraft, and training to support counternarcotics operations of the Colombian military and National Police; alternative development projects in drug producing areas; judicial reform and rule of law initiatives; strengthening Colombian human

³\$330 million in counternarcotics assistance is estimated to be provided to Colombia in fiscal years 2000-01.

rights organizations; assisting displaced persons; and supporting the peace process.

The Changing Nature of the Drug Threat in Colombia

Historically, Colombia has been the world's largest producer of cocaine. However, starting in 1997, Colombia surpassed Bolivia and Peru as the world's largest cultivator of coca. Since 1995, the area under coca cultivation in Colombia expanded by over 140 percent to over 300,000 acres in 1999. Most of this increased cultivation took place in the areas of southern Colombia that are controlled by insurgents and paramilitary groups. Moreover, the amount of cocaine produced in Colombia has increased by 126 percent since 1995, from 230 metric tons to 520 metric tons in 1999. Finally, according to recent U.S. government estimates, Colombia has become a major source of the heroin consumed in the United States, producing nearly 8 metric tons in 1999.

Despite U.S. and Colombian efforts to disrupt drug-trafficking activities, the U.S. Embassy in Colombia has not reported any net reduction in the processing or export of refined cocaine to the United States. Moreover, according to the Drug Enforcement Administration (DEA), while two major groups (the Medellin and Cali cartels) dominated drug-trafficking activities during the late 1980s and early 1990s, hundreds of smaller and more decentralized organizations are now involved in all aspects of the drug trade. According to DEA, several billion dollars flow into Colombia each year from the cocaine trade alone. This vast amount of drug money has made it possible for these organizations to gain unprecedented economic, political, and social power and influence.

To further complicate matters, the two largest insurgent groups—the Revolutionary Armed Forces of Colombia and the National Liberation Army—and paramilitary groups have expanded their involvement in drug-trafficking. The insurgents exercise some degree of control over 40 percent of Colombia's territory east and south of the Andes, an area equal in size to Texas.

According to DOD, two-thirds of the Revolutionary Armed Forces of Colombia's units and one-third of the National Liberation Army units are involved in some form of drug-trafficking activity. U.S. Embassy officials stated that information over the past 2 years indicates that units of the Revolutionary Armed Forces of Colombia have become more heavily involved in growing coca, establishing coca prices, and transporting cocaine in Colombia.

Moreover, in 1998, DEA reported that certain leaders of some paramilitary groups that emerged as self-defense forces in response to the insurgents' violence had become major drug traffickers.

Problems in Managing U.S. Assistance to Colombia

The United States has had long-standing problems in providing counternarcotics assistance to Colombian law enforcement and military agencies involved in counternarcotics activities. In 1998, we reported that planning and management problems hampered U.S. counternarcotics efforts in Colombia.⁴ For example, we reported that limited planning and coordination between U.S. agencies hampered the delivery of some counternarcotics equipment, such as fixed-wing aircraft, helicopters, and boats, to the National Police and the Colombian military. We reported that this equipment required substantial funding to make it operational.

Spare Parts Unavailable for Helicopters

Between October 1998 and August 1999, State provided the National Police with six additional Bell 212 helicopters and six UH-1H helicopters. Neither set of helicopters was provided with adequate spare parts or the funds to ensure adequate logistics support because of budget constraints. Recognizing that the National Police could not operate and maintain the helicopters, the Narcotics Affairs Section budgeted \$1.25 million in fiscal year 2000 to replenish the low supply of spare parts. However, according to a U.S. Embassy official, the funding was not available until March 2000 because of delays in submitting State's plan for the funds to the Congress. Further aggravating the situation, the Embassy requested spare parts for some of these helicopters from DOD stocks. While DOD agreed to provide \$3.1 million worth of helicopter spare parts, only \$378,000 worth had been delivered as of September 1, 2000. Although DOD intends to deliver the remaining parts, a DOD official did not know when.

Inadequate Funding for Helicopter Support

Furthermore, in September 1999, State and DOD initiated a plan to provide the Colombian Army with 33 UH-1N helicopters State had purchased from Canada to support Colombia's three counternarcotics battalions. Between November 1999 and February 2000, 18 of the helicopters were delivered to Colombia,⁵ and a U.S. contractor trained 24 pilots and 28 Colombian Army copilots to operate them. The original plan called for using these helicopters beginning in May 2000 to support the first U.S.-trained counternarcotics battalion, which was ready to begin operations on January 1, 2000. The helicopters were to move troops into insurgent-controlled areas so they could secure the areas and enable the National Police to conduct eradication or interdiction missions.

⁴Drug Control: U.S. Counternarcotics Efforts in Colombia Face Continuing Challenges (GAO/NSIAD-98-60, Feb. 12, 1998).

⁵According to U.S. embassy officials, the remaining 15 helicopters and the training of 25 additional pilots and 22 additional copilots would be provided once State received congressional approval to allocate the funds recently provided as part of the U.S. support for Plan Colombia.

At the time State agreed to purchase the helicopters, it had not included the funds necessary to procure, refurbish, and support them in its fiscal year 1999 and 2000 budgets. As a result, the helicopters could not be used for conducting counternarcotics operations and 17 of the 24 contractor pilots trained to fly the 18 UH-1Ns were laid off beginning in May 2000.

In August 2000, after the U.S. assistance for Plan Colombia was approved, State reprogrammed \$2.2 million from the U.S. counternarcotics program for Mexico to rehire and retrain additional personnel. According to State and U.S. Embassy officials, it will take about 3 months for the counternarcotics battalion to commence operations with the helicopters—nearly a year after the original date to begin operations.

DOD Has Not Provided Some Equipment Requested by the U.S. Embassy

During fiscal years 1996 through 1999, the United States agreed to provide Colombia almost \$148 million worth of equipment and services from DOD inventories to support counternarcotics efforts. As of September 1, 2000, it had provided only about \$58.5 million. According to DOD officials, the difference between the amount of assistance requested and the amount delivered is the result of a combination of factors—from overvaluing the items when the request was initially developed to the unavailability of some items in DOD inventories and the length of time to obtain and the ship articles. For example, in 1996, DOD agreed to provide the Colombian military and National Police with 90 secure radios and supporting communications equipment from its inventories. However, according to DOD records, this equipment was not available.

Colombian National Police Have Not Assumed Control Over Aerial Eradication Operations

Beginning in 1998, U.S. Embassy officials became concerned over the increased U.S. presence in Colombia and associated costs with an aerial eradication program.⁶ At the time, the Embassy began developing a plan to phase out U.S. contractor support of aerial eradication by having the National Police assume increased operational control over this program. This would be accomplished by providing the National Police with training, aircraft, and other support needed to develop an infrastructure to enhance their overall abilities to eradicate coca leaf and opium poppy. According to Embassy personnel, the National Police have not formally approved the plan, and State has not approved the funding needed to begin the phaseout. Now, according to State officials, implementing Plan Colombia is a higher priority, and they do not know when the phaseout program will be approved.

⁶State estimates show that the direct costs of supporting the contractor increased from about \$5.6 million in fiscal year 1996 to \$36.8 million in fiscal year 1999.

According to U.S. Embassy officials, despite extensive training and other efforts to have the National Police develop a management program that would ensure a more effective aerial eradication program, little progress has been made. For example, the National Police continue to emphasize training high-ranking officers, even though the Narcotics Affairs Section has informed the National Police that training should be given to junior officers in areas such as logistics, operations, flight instructors, maintenance, and administration. Moreover, the July 2000 State Inspector General report stated that the National Police rotate more experienced mechanics into other areas for developmental purposes.⁷ The Police are therefore constantly training new personnel, making it difficult to maintain a skilled workforce that is needed to repair the aerial eradication aircraft. According to the Inspector General report, it will take 3 to 4 years before entry-level mechanics will become productive journeymen.

**U.S. Embassy Concerns
About Program Oversight
Over Some U.S.-Provided
Assistance**

Department of State policy requires that Narcotics Affairs Sections adequately oversee U.S. counternarcotics assistance to ensure that it is being used as intended and that it can be adequately accounted for. However, U.S. Embassy officials stated that the National Police have not always provided necessary documents, such as budgetary and planning documents, to determine if the National Police are using the resources in accordance with eradication and interdiction plans. In two instances, U.S. Embassy officials said they observed the National Police using U.S.-provided helicopters for purposes other than counternarcotics, but the Police did not cooperate in their attempts to clarify how the helicopters were being used.

Also, until recently, neither the U.S. Embassy nor the Colombian National Police had conducted program reviews, as required in annual bilateral agreements. Recognizing it may have a problem, the Narcotics Affairs Section requested in early 2000 that the State Inspector General audit the major National Police accounts for the first time in 15 years. In May 2000, the State auditors reported to the Narcotics Affairs Section that the National Police could not account for 469,000 of the 2.76 million gallons of fuel provided for counternarcotics missions in 1999. The auditors concluded that the fuel may have been misused.

⁷Report of Audit: Review of DNL-Administered Programs in Colombia, 00-CI-021 (Washington, D.C.: U.S. Department of State, July 2000).

**Financial, Management,
And Social Challenges
Will Complicate Efforts
To Meet Goals Of Plan
Colombia**

The governments of the United States and Colombia face a number of challenges in implementing Colombia's strategy to reduce the cultivation, processing, and distribution of narcotics by 50 percent in 6 years. Although both governments are taking steps to identify funding and complete implementation plans, at this point, the total cost of U.S.-supported activities required to meet the plan's goals remains unknown. In addition, Colombia must deal with the political and economic instability fostered by Colombia's long-standing insurgency and human rights problems.

**Additional U.S. Funding Will
Be Needed to Support
Equipment Provided Under
Plan Colombia**

As in the past, State and DOD will have to request additional funding to support U.S.-provided equipment. Officials from State and DOD recently testified that they do not know if sufficient funding is available to procure the number of helicopters mandated by the Congress because they have not determined how the helicopters will be equipped and configured.⁸ According to State, the funding proposed by the administration and approved by the Congress was not intended to support the equipment scheduled to be provided through the 6-year life of Plan Colombia. State officials noted that they are still developing cost estimates for fiscal year 2002 and beyond but that funding just to sustain the equipment included in the current assistance for Colombia would be substantial.

During our recent visit to Colombia, government defense and budgeting officials said that with their already tight defense budget they cannot afford to operate and sustain the new U.S. helicopters by themselves. Colombian and U.S. Embassy officials agreed that Colombia will need to establish a new logistical and support system, including maintenance and repair, for the Huey Hs that are not currently in the Colombian's inventory and that this will likely require continuing U.S. support.

**U.S. Plans to Implement the
Counter-narcotics Program
Have Not Been Finalized**

Most of the assistance provided under Plan Colombia is targeted for the Colombian military, but U.S. Southern Command officials said their original input on Colombia's needs was based on the information they had and intuitive assessments of the Colombian military's basic requirements. At the time the administration was developing its assistance package, Colombia did not have a military plan on which to base its needs. Moreover, the Southern Command had not expected large increases in the levels of assistance for the military, and the daily management of the current assistance program precluded military officials in the U.S. Embassy from assessing Colombian overall needs.

⁸Before the Committee on International Relations, Subcommittee on Western Hemisphere Affairs, House of Representatives, September 21, 2003.

To better define the Colombian military's requirements, DOD recently undertook two studies. The first specifically targeted the deployment of the helicopters included in the assistance package and addressed issues such as support for mission requirements and the organization, personnel, and logistical support needed. The second addressed how the Colombian military should structure and modernize itself to address the internal threats of narcotics and insurgents. DOD officials said that these two studies provide sufficient information to develop the operational doctrine, structure, and systems necessary to use U.S. assistance and meet counternarcotics goals effectively.

State is also drafting an implementation plan for U.S. assistance that is necessary to better synchronize all U.S. programs and activities involved in supporting Plan Colombia. State officials presented their draft to the Colombian government to help them develop their strategy for the use of U.S. funds. State officials stated that they expect the U.S. implementation plan to be approved by U.S. agencies in October 2000.

Will Take Time to See
Results of U.S. Assistance

State obligated most of the funds appropriated for Plan Colombia activities in late September 2000. However, DOD and the Colombian Army have not finalized specifications for the Blackhawk helicopters and State officials testified in September 2000 that the first Blackhawk may not arrive in Colombia until October 2002. Similarly, State testified that the first Huey IIs may not be delivered until mid-2001. In addition, although State expects to initiate pilot projects such as alternative and economic development and judicial reform in September or October 2000, State and the U.S. Embassy cautioned that it will take years to show measurable results.

U.S. Embassy officials said that their ability to begin implementing and overseeing programs will hinge on obtaining additional staff to manage programs. The Narcotics Affairs Section estimated it might need up to 24 additional staff, and USAID estimated it might need 40 more staff to implement programs envisioned under Plan Colombia. As of September 2000, State and other agencies involved were still determining the number of additional personnel needed and ways to address security and other issues, such as the lack of secure office space in the U.S. Embassy.

Colombia Has Not
Determined How It Will
Fund Its Share of Plan
Colombia

Although the Colombian government has pledged \$4 billion for Plan Colombia, State and Colombian government officials were pessimistic about Colombia's ability to obtain much new money without cutting other government programs. They expect that Colombia will try to raise \$1 billion from bonds and loans. As of August 2000, it had collected \$325 million from domestic bonds and planned to collect an additional \$325 million from bonds by the end of 2001. Colombian

government officials indicated that, at best, most of the funds that will be available are already included in the national budget. However, according to an official with the Planning Ministry, it is difficult to document the purposes of funding in Colombian budgets because Colombian ministries' budget preparation and coordination among ministries vary.

The Colombian government is also seeking donations of more than \$2 billion from donors other than the United States to fund the social, economic, and good governance development portions of Plan Colombia. As of July 2000, other donors had pledged about \$621 million, and State officials were optimistic that the remainder could be obtained. They said that many donors responded favorably to Plan Colombia and made plans for meetings in the fall 2000 to revisit the issue.

Colombia Still Developing
Plans to Address Plan
Colombia Goals

The Colombian government has not yet developed the detailed implementation plans necessary for funding, sequencing, and managing activities included in Plan Colombia. In early 2000, State officials began asking the Colombian government for plans showing, step-by-step, how Colombian agencies would combat illicit crop cultivation in southern Colombia, institute alternative means of making a livelihood, and strengthen the Colombian government's presence in the area. In May 2000, State officials provided Colombia extracts from the U.S. draft implementation plan with the expectation that the Colombian government would develop a similarly detailed plan. However, Colombia's product, provided in June 2000, essentially restated Plan Colombia's broad goals without detailing how Colombia would achieve them. A U.S. interagency task force went to Colombia in July 2000 to help the Colombians prepare the required plan. The Government of Colombia provided their action plan in September 2000 which addressed some of the earlier concerns.

Insurgency and Human
Rights Conditions Further
Complicate Counternarcotics
Efforts

The Colombian government agrees that ending the civil conflict is central to solving Colombia's problems. State reports have noted that a peace agreement would stabilize the nation, speed economic recovery, help ensure the protection of human rights, and restore the authority and control of the Colombian government in the coca-growing regions. However, unless such an agreement is reached, the continuing violence would limit the government's ability to institute its planned economic, social, and political improvements.

The U.S. Embassy has already reported that initial Plan Colombia activities have been affected because of security concerns. Specifically, the lack of security on the roads in southern Colombia prevented the Justice Ministry from establishing a justice center there. Moreover, indications are that the insurgents have warned farmers in one area not to participate in alternative crop development projects unless they are part of an overall peace plan. The Embassy has reported that these

security impediments are probably a small indication of future security problems if peace is not achieved.

Regarding human rights, the Colombian government has stated that it is committed to protecting the human rights of its citizens. State and DOD officials said they will apply the strictest human rights standards before approving assistance under Plan Colombia. For example, State did not approve training for the second counternarcotics battalion until an individual officer suspected of a violation was removed from the unit, even though the Colombian government had cleared the person of wrongdoing. Nevertheless, human rights organizations continue to allege that individuals in the Colombian armed forces have been involved with or condoned human rights violations and that they do so with impunity. As such, Colombia's failure to adhere to U.S. human rights policies could delay or derail planned counternarcotics activities.

Although the Congress required the President to certify that Colombia had met certain human rights standards prior to disbursing assistance for Plan Colombia,⁹ the President waived the certification as permitted by the act.¹⁰ According to State officials, the waiver was issued because it was too soon to determine the extent to which Colombia was complying with the legislation's requirements.

Mr. Chairman and Members of the Subcommittee, this concludes my prepared remarks. I would be happy to respond to any questions you may have.

Contact and
Acknowledgments

For future questions regarding this testimony, please contact Jess T. Ford at (202) 512-4268. Individuals making key contributions to this testimony included Al Fleener, Ron Hughes, Al Huntington, and Joan Slowitsky.

⁹Section 3201(a)(1) of the Emergency Supplemental Act, FY 2000 (Division B of P.L. 106-246).

¹⁰Section 3201(a)(4) of the Emergency Supplemental Act, FY 2000 (Division B of P.L. 106-246).

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Mr. MICA. Thank you, Mr. Ford. We will withhold questions until we have heard from all of the panelists.

I would like to recognize Rand Beers, Assistant Secretary of the Bureau of International Narcotics, Department of State. Welcome, and you are recognized.

Mr. BEERS. Thank you, Mr. Chairman, Congresswoman Mink and other members of the committee. Thank you for the opportunity to speak today. I will offer a brief oral statement at this point in time and focus on the implementation of our U.S. Government assistance to Plan Colombia, a broad-gauged, multifaceted effort by the Colombian Government to deal with counternarcotics trafficking, economic development and government capacity.

Since the emergency supplemental for Colombia was passed and signed into law in July, United States and Colombian planners have worked together to develop a comprehensive plan for the implementation of our \$1.3 billion. The result is a comprehensive Interagency Action Plan that defines the implementation of our support to Colombia's counternarcotics effort and provides a mechanism to coordinate the various elements of our aid, particularly regarding eradication and alternative development.

With the Government of Colombia's planning document in hand, U.S. Government agencies are now refining their draft implementation plans. In an interagency action plan the Government of Colombia has laid out an organizational structure which will assist in coordinating the counternarcotics programs with the other elements of Plan Colombia. Representatives of the Colombian police, the military, PLANTE, the agency which administers alternative development programs, and the social security agency will coordinate with mayors and Governors at the local and regional level. They will work under the supervision of a national technical committee consisting of representative governmental ministries such as PLANTE, Social Security and the security community. U.S. Embassy representatives will coordinate with this committee and at the local levels with the Embassy's Military Group, Narcotics Affairs Section, Drug Enforcement Administration personnel addressing counternarcotics matters. The Colombian technical committee in turn will report to an interagency Colombian Government body at the vice ministerial level, and finally to the heads of the ministries involved. Senior members of the Embassy country team will handle bilateral issues at this level.

U.S. representatives will coordinate operational issues within the Embassy and with lead responsibility for specific projects generally falling to those agencies responsible for the project's funding.

The initial 2-year phase of the Interagency Action Plan focuses on southern Colombia. It will start with the rapid expansion of social programs and institutional strengthening. Interdiction efforts will follow shortly thereafter, and eradication efforts will commence by the end of the year. Alternative development and other programs to strengthen local communities will expand into neighboring regions where counternarcotics programs will continue regionally.

During the first phase, these regional efforts will be accompanied at the national level by public outreach and programs meant to prepare for the eventual expansion of the programs nationwide.

Eradication in Putumayo will be conducted in two ways: In the areas dominated by small-scale cultivation of 3 hectares or less per farm, while voluntary eradication agreements, sometimes referred to as community pacts, will be concluded with the Government of Colombia and the individual communities, through this program small farmers will be given the opportunity to eradicate their illegal crops voluntarily as part of their development projects. Aerial eradication will continue to be important in the more remote areas of Putumayo, where large agribusiness coca plantations dominate the landscape and represent the largest area of cultivation in that troubled province.

After the first 12 months of the eradication campaign in Putumayo, those communities in the alternative development area that have not opted to participate in the voluntary eradication program will be subject to possible aerial eradication. While eradication is getting under way, a Putumayo-focused interdiction effort will also be launched to disrupt the supply of important precursor chemicals into the region and the shipment of cocaine base and processed cocaine out of the region.

Another principal activity will be the dismantling of processing labs. These activities should decrease the revenue potential of coca in the target area. When combined with the increased expense of time and money caused by eradication, the resulting distortions in the Putumayo coca market should encourage growers to abandon the crop as a source of income.

An essential element of the interdiction efforts in southern Colombia will be the Colombian Army's counternarcotics brigade. While funding for its training and support was contained in the supplemental appropriation, our greatest contribution to the brigade, both in terms of the dollar amount and operational need, is helicopter lift.

We are complying with the legislative mandate to purchase UH-60 Black Hawks through the DSCA, which provided us in the inter-agency community in September with the delivery estimates. These original delivery estimates that, by the Army's own admission, were conservative indicated that the Brigade's Black Hawks would begin to arrive in Colombia in October 2002, with all of the scheduled aircraft to be in Colombia by May 2003. These dates were based on worst-case assumptions that the contract would not be signed until April, and that the first aircraft would be completed 18 months later.

I am pleased to report today, as we have indicated to committee staffs earlier, that we have worked out a deal with Sikorsky, with DSCA and with the Government of Colombia to establish a new timetable that, depending upon having the contracts signed no later than December 15th, will put all of the UH-60's in Colombia in 2001, with the first helicopters arriving in Colombia at the beginning of July 2001.

We currently expect the Brigade's contingent of Huey II helicopters to be fully fielded within 2 years with the first aircraft arriving in mid-2001. These are current contractor estimates, and as was the case with the UH-60's, the delivery schedule may change as details are finalized, but we expect, and we have spent a great

deal of time on this, that these are accurate and will be the final dates.

The exact delivery dates for all of the aircraft have not been as precisely determined as the Black Hawks, but the aircraft will follow as quickly as possible. With respect to the Huey IIs, they will follow those Huey IIs that are planned for the Colombian National Police, and I am pleased to report that we have already signed the contract with Bell and have taken delivery of the first Huey II kits in order to ensure that the police have their helicopters as quickly as possible. The Government of Colombia has committed itself to making an effort to resolve that country's problems. With our assistance package of \$1.3 billion, the United States has pledged much-needed support. While teams in both countries continue to plan and adjust operational modalities, the implementation process is now under way, and I am confident of the success of these programs and Plan Colombia, and I look forward to working closely with this Congress, which has been supportive of this effort, as we continue to address these critical issues.

This concludes my statement, and I am prepared to answer questions.

Mr. MICA. Thank you. We will withhold questions unless we have heard from the other witnesses.

[The prepared statement of Mr. Beers follows:]

Statement of

Rand Beers

**Assistant Secretary of State
for
International Narcotics and Law Enforcement Affairs**

before the
Criminal Justice, Drug Policy, and Human Resources Subcommittee
of the
House Committee on Government Reform

October 12, 2000

Mr. Chairman and Members of the Committee:

I want to thank you for this opportunity to speak to you today about the situation in Colombia, the threat it poses to regional security, and the implementation of our assistance to Plan Colombia.

Over the last year, the nature of the situation in Colombia has been repeatedly discussed in hearings such as this one, in the media, and in international fora. There is little doubt that the Colombian people are suffering greatly from the violence produced by that nation's guerrilla insurgents and paramilitary vigilantes: groups that support themselves through a host of criminal activities, the most important of which, the illegal narcotics industry, provides them with untold millions of dollars every month. Colombia's historic neglect of the nation's outlying areas has allowed this problem to fester, and it has been exacerbated by an economic down-turn of a magnitude Colombia has not seen for seventy years. In short, Colombia must overcome critical challenges.

Why is Colombia's situation critical? It is critical because Colombians are dying. It is critical because the guerrilla and paramilitary groups that perpetuate the violence in Colombia are financed by the proceeds of illegal drug trafficking and the thousands of Americans that it kills in our streets every year. It is critical because that drug industry is clear-cutting Amazonian rainforest in order to expand cultivation and is polluting the Amazon basin with tons of toxins used in drug processing. It is critical because, with unemployment topping twenty percent and government resources strained, the financial lure of the narcotics industry is powerful.

The leadership of Colombia recognizes the need for action. President Pastrana is committed to resolving his nation's problems. He was elected on a pledge to resolve peacefully 30 years of violence and, since taking office two years ago, he has maneuvered through a minefield of issues to bring the Revolutionary Armed Forces of Colombia (FARC) and, hopefully, the National Liberation Army (ELN) to the negotiating table. His administration understands the complexities of the issues confronting the country, laid them out in Plan Colombia, and, even while negotiating with insurgents, took the courageous step of admitting that they required the assistance of the international community to address that country's multiple crises.

In consultation with the government of Colombia, an interagency group, including representatives of State, Defense, Justice, USAID, and Treasury, developed a proposed U.S. assistance package for Bogota's Plan Colombia, with a particular emphasis on the Plan's counternarcotics component. Funding for that package, with some modifications, was passed with the support of this committee and was signed by the President on July 13.

Since the package was passed in its final form, U.S. and Colombian planners have worked together to develop a comprehensive plan for the implementation of our \$1.3 billion of assistance and for its integration into the broader efforts of the Colombian government. The U.S. planning team, which included representatives of State, USAID, and DoD, returned from Colombia in September after nearly two months of daily consultations with their Colombian counterparts. The result is a comprehensive Interagency Action Plan that defines the implementation of our support to Colombia's robust counternarcotics efforts and provides a mechanism to coordinate the various elements of our aid, particularly regarding eradication and alternative development. With the government of Colombia's planning document in hand, U.S. agencies are now refining their draft implementation plans.

In their recently completed Interagency Action Plan, the government of Colombia has laid out an organizational structure that will assist in coordinating the counternarcotics programs with the other elements of Plan Colombia. Representatives of the Colombian police, military, PLANTE (the Colombian agency that administers alternative development programs), and the social security agency will coordinate with mayors and departmental governors at the local and regional level. They will work under the supervision of a national technical committee consisting of representative governmental ministries, such as PLANTE, social security, and the security community. U.S. Embassy representatives will interact with this committee and at the local levels, with the Embassy's Military Group, Narcotics Affairs Section (NAS) and Drug Enforcement Administration (DEA) personnel addressing counternarcotics matters. The Colombian technical committee, in turn, will report to an interagency Colombian government body at the vice-ministerial level and finally to the heads of the ministries involved. Senior members of the Embassy country team will handle bilateral issues at this level.

eradication agreements, sometimes referred to as "Community Pacts," between the government of Colombia and communities within the area that is dominated by small-scale cultivation of three hectares or less per farm. Eight communities have been identified in this alternative development area, including Villa Garzon, Puerto Guzman, and Puerto Asis. Through this program, they will be given the opportunity to eradicate their illegal crops voluntarily as part of their development projects. The pace of implementation for these voluntary eradication and alternative development projects will depend heavily on the local farmers and their willingness to participate and comply with verifiable compliance benchmarks. Aerial eradication, the cornerstone of current eradication efforts in Colombia, will continue to be important in the more remote areas of Putumayo, where large, agro-business coca plantations dominate the landscape. The spray campaign aimed at those targets is scheduled to begin in December. This timing coincides with the anticipated completion of training by the Colombian army's second counternarcotics battalion, as well as the arrival of the UH-1N helicopters needed to provide transportation for it and for the first counternarcotics battalion.

After the first twelve months of the eradication campaign in Putumayo, those communities in the alternative development area that have opted not to participate in the voluntary eradication program will be subject to possible aerial eradication. This does not mean that spray operations will begin immediately upon the expiration of the twelve-month grace period. It is merely intended to leave aerial eradication available as an option for the Colombian authorities to use in combating coca cultivation, which, under Colombian law, is a criminal act.

While eradication is getting underway, a Putumayo-focused interdiction effort will also be launched, to disrupt the supply of important precursors entering the region and the shipment of cocaine base and processed cocaine out of the region. Another principal activity will be the dismantling of processing laboratories. These actions should decrease the revenue potential of coca in the target area. When combined with the increased expense of time and money caused by eradication, the resulting distortions in the Putumayo coca market should encourage growers to abandon the crop as a source of income.

An essential element of the interdiction efforts in southern Colombia will be the Colombian army's Counternarcotics Battalions. The first battalion completed its training in December 1999. The second battalion is scheduled to complete its training in December 2000. Personnel for the third battalion are now being identified and are expected to complete their training in April 2001, at which point the three battalions will constitute a brigade.

With regard to the helicopters themselves, we are complying with the legislative mandate to purchase the UH-60 BlackHawks through DSCA, which has provided us with delivery estimates. These original delivery estimates, that by the Army's own admission were conservative, indicated that the brigade's UH-60 BlackHawk utility helicopters would begin to arrive by October 2002, with all scheduled to be in Colombia by May 2003. These dates were based upon the worst-case assumption that the aircraft will be

contracted in April, with the first aircraft being completed eighteen months later. Clearly, those dates were prudent to work with until details for a faster delivery could be finalized. We know that this matter is of concern to Congress. It is of concern to us as well. That is why we have worked with DSCA, Sikorsky Aircraft Corporation and the Government of Colombia to establish a new timetable that, if all goes as expected, will put all of the UH-60s into Colombia in 2001.

We currently expect the brigade's contingent of Huey II helicopters to be fully fielded within two years, with the first aircraft arriving in mid-2001. These are current contractor estimates and, as was the case with the UH-60s, the delivery schedule may shorten as details are finalized. The exact delivery dates have not been determined, but the aircraft will follow immediately behind the Huey IIs currently being processed for the CNP. We have signed a contract with Bell Helicopter for the first 12 Huey II kits and have taken delivery of them.

Over the past week I have briefed a number of Congressional staff members on the issue of the number of BlackHawk and other helicopters that we may be able to procure with the funding from the supplemental appropriation. Aviation experts at INL and at the Department of Defense have determined that for the mission and the threat level, the Colombian Army would be better served by 13 fully configured UH-60s than by 16 lesser-equipped aircraft. The Colombian army agrees with that assessment. Similar conversations are ongoing regarding the procurement of Huey IIs and helicopters for the Colombian National Police.

Last year, eighteen UH-1N helicopters were sent to Colombia to provide lift to the counternarcotics battalion. Those aircraft were used to train pilots. Then, in the spring, because funding we expected from the supplemental appropriation was not yet available, the program was temporarily suspended, including training with the ground forces. Those aircraft are now being brought back into service. These 18 helicopters will be available for training with the first and second counternarcotics battalions. Additionally, all fifteen UH-1N helicopters provided by the supplemental are expected to be available the first quarter of 2001. These 33 helicopters were always envisioned as providing interim air-mobility for the first two battalions and eventually for the third battalion, when it becomes operational.

Pilot and mechanic development and logistical training are also key to implementing Plan Colombia's counternarcotics goals. We believe that this training requirement can be successfully addressed. The delay between the order and delivery of the Huey II and UH-60 aircraft, for example, will allow pilots and others for those aircraft to be trained at a sustainable rate. No other counternarcotics element of Plan Colombia raises the question of absorptive capacity in so serious and difficult a manner. While the supplemental provides important new resources, those resources, with the exception of the helicopters, will primarily serve to expand upon programs already underway in Colombia. Past U.S. Government assistance for those programs has been easily absorbed.

Hoping to further improve the quality of our assistance, and sensitive to standing concerns over NAS program management, especially in light of this \$1 billion package, we requested that the Department of State's Inspector General perform a management audit of the Bogota program earlier this year. We have received her report and are responding to the recommendations now. At approximately the same time, GAO conducted a separate review of the program. We concur with that report's two recommendations. One points out the need to complete the implementation plans for our assistance to Plan Colombia. This has been addressed above. The other recommends that training and logistical support requirements be identified so as to provide the necessary out-year support. It has, in fact, always been our intent to incorporate those future requirements into our annual budget process and we are doing so, starting with fiscal year 2002.

We are also working with Colombia to encourage their necessary preparations. In order to undertake such an ambitious counternarcotics strategy, Colombian governmental institutions have conducted difficult but necessary reforms to improve efficiency and interagency coordination. This includes the breaking down of long-standing intra-service rivalries, which is key for the success of the envisioned joint operations, and the improvement of communication between the country's security forces and organizations dedicated to humanitarian assistance, both within and outside of the government. This essential public outreach has been insufficient so far, but the Colombian government is now carrying out a campaign to educate the population, especially in Putumayo, regarding the social and developmental aspects of the counternarcotics efforts.

Colombia must also work to address the human rights and counternarcotics certification criteria identified in the supplemental legislation. The documentation that accompanied the August 23 certification and waiver decisions noted that President Pastrana had provided the written directive regarding jurisdiction over military personnel that was required for certification. The Colombian legislature has recently also passed a package of military reforms that gives the government the ability to dismiss military personnel with less than 15 years of service who are credibly suspected of human rights violations and/or collusion with the paramilitaries. We are confident that the next certification process, expected in December or early January, will be able to document progress in the prosecution of alleged human rights abusers in the military. The Department of State is also working with the government of Colombia to develop a more aggressive plan for the eradication of illegal crops. Already, the Colombian government has revised its goals to include a fifty-percent reduction of coca cultivation in Putumayo and a thirty-percent reduction over the rest of the country within the next two years.

The government of Colombia has committed itself to making an all out effort to resolve that country's problems. With our assistance package of \$1.3 billion, the United States has pledged much needed support. While teams in both countries continue to plan and adjust operational modalities, the implementation process is now underway. I am confident of the success of these projects and of Plan Colombia, and I look forward to working closely with the Congress as we continue to address these critical issues.

Mr. MICA. Next we have Anna Marie Salazar, Deputy Assistant Secretary for Defense. Welcome, and you are recognized.

Ms. SALAZAR. Thank you, Mr. Chairman and members of the committee. I want to thank you for the opportunity to testify on the Department's role on the support of U.S. assistance to Plan Colombia. Unfortunately Mr. Sheridan wanted me to pass on his regrets for not being here this afternoon, and I ask that his written statement be submitted for the record.

Mr. MICA. Without objection, so ordered.

Ms. SALAZAR. Thank you, Mr. Chairman. As you know it has been a pretty rough day at the Department of Defense today, and due to the tragic attack on the USS Cole, the Secretary of Defense has asked Mr. Sheridan and required his presence at the Department of Defense. However, he did ask me to share briefly his thoughts with you.

A couple of points in regards to the implementation of the supplemental in general. First, as Mr. Sheridan has testified previously on the Hill, I believe about five times in the last year, execution of Plan Colombia will be a challenge because of the extent and the complexity of the package. There will be setbacks. However, many of our initial estimates on the program and implementation of the program, as we have provided in his written testimony, are by nature conservative, but this is a sound plan. It is responsive to our Colombian counterparts, and it is worth doing, and we will continue to work very closely with the interagency in order to ensure fast implementation of the program.

With that said, the Department has moved quickly in the execution of the program where existing contracts supported such actions, and, as an example, the President signed the bill on July 13. Mr. Sheridan signed the Department's implementation of Plan Colombia on July 24th. Three days later on July 27, the U.S. Army 7th Special Forces Group commenced its training of the second Colombian counternarcotics battalion. Another example is we are in discussions with the Colombians to see if they will have individuals available so we can start training helicopter pilots beginning November 1.

So in the areas where we can move fast, where there is existing contracts, and where there is Colombian availability and individuals to train, we will rapidly implement.

With respect to the GAO report, we agree with the general comments in the draft report, and we have provided formal responses to the GAO. As I just stated, execution of supplemental programs, including delivery of the associated support, will be a challenge. This is not a surprise. We are continuing to look at the 506 draw-down process with a focus on improving the delivery of counterdrugs support, and we are working closely with the State Department.

That being said, equipment availability will continue to be problematic as the Department does not have large inventory of some of the equipment being requested by our Colombian counterparts. The supplemental has provided the State Department and Department of Defense with funding and authorities to contract out the purchase of much of the equipment required by the Colombians, and as a general rule contracting for new equipment will be much

more efficient than using a 506 drawdown since we can go directly to the source and not depend on existing military inventories for equipment that may or may not exist or we may not have sufficient quantity.

With that, I will conclude my remarks. I thank you for your attention, and I look forward to answering any questions.

Mr. MICA. Thank you.

[The prepared statement of Mr. Sheridan follows:]

BRIAN E. SHERIDAN

**ASSISTANT SECRETARY OF DEFENSE FOR
SPECIAL OPERATIONS AND LOW INTENSITY CONFLICT**

**UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON GOVERNMENT REFORM
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY,
AND HUMAN RESOURCES**

October 12, 2000

STATEMENT FOR THE RECORD

Thank you for the opportunity to testify before this Committee to discuss the implementation of the Department of Defense's portion of the Fiscal Year 2000 supplemental appropriation that supports the Government of Colombia's execution of *Plan Colombia*.

Drug abuse is an undeniable threat to our national security; one that is measured by the thousands of lives lost in our country every year and that costs our country billions of dollars annually. Reducing the supply of drugs on our streets is an integral component of our National Drug Control Strategy and the Department of Defense (DoD) plays a key supporting role in creating the opportunity for law enforcement agencies, both our own and those of foreign nations, to interdict the flow of drugs into our country. DoD is committed to this counterdrug mission.

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The demand for illegal drugs in the United States, specifically for cocaine and heroin, is met primarily from the growing fields and production laboratories in Colombia. The vast sums of money that this illegal activity provides have served to exacerbate current domestic issues facing the people of Colombia. The US and Colombian Government, and our citizens, share a common objective to reach our specific national goals – to reduce drug abuse in our own country and to bring peace and stability to Colombia. A significant reduction in the flow of illegal drugs to the US, with the corresponding reduction in the supply of “easy money” which supports both guerillas and illegal self-defense forces operating in Colombia, serves the national interests of both our countries. For these reasons, it is absolutely necessary that the US continue to support Colombia in its effort to reduce the production and transport of cocaine and heroin that is destined for the US.

Over the past two years Colombia, specifically the area east of the Andes, has become the center of the cocaine trade, largely as a result of successful interdiction and eradication efforts in Peru and Bolivia. The remoteness of southern Colombia and the lack of government control in large areas of this region has precluded Colombian interdiction operations to the point that the expansion of coca growing areas, especially in the Putumayo Department, has progressed virtually unchecked. Most of the world’s coca is now grown in Colombia and over ninety percent of the cocaine consumed in the US is manufactured in or passes through Colombia. The United States, the nation with the greatest cocaine demand, currently consumes over 200 metric tons annually from the Andean region.

DoD has been supporting Colombian counterdrug efforts for over ten years. The additional funding provided by the FY00 Emergency Supplemental will allow the Department to build on past programs, in short, to accelerate the implementation of the efforts in Colombia that ultimately proved to be successful in Peru and Bolivia. The plan funded with the emergency supplemental is a balanced and executable plan that will not require an appreciable increase in the number of US military personnel present in Colombia. This effort is responsive to *Plan Colombia* and consistent with current US policy. Furthermore, these programs, in coordination with other interagency efforts, form the core of a sound, responsive, and timely assistance package that will significantly enhance Colombia's ability to conduct effective counterdrug operations.

While I have confidence in this plan, I would like to reiterate what I have stated in previous testimony before the Senate Foreign Relations and Armed Services Committees in February and April of this year, the House Armed Services Committee in March and, most recently, before the House International Relations Committee last month. Program execution will be a challenge and results will not be evident for some time. I also highlighted this point during numerous Hill briefings over the last several months. The vastness of southern Colombia and the lack of significant infrastructure pose major challenges. The sheer number of supporting contracts required to be implemented to ensure the long-term viability of this effort will necessitate careful management and mandate frequent review. Some of these concerns are also reflected in the draft GAO report, to which the Department is in the process of formally responding. There will be setbacks and emerging challenges. Perseverance will be required. But the plan is sound and the mission worthwhile.

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The President signed the Fiscal Year 2001 Military Construction Appropriations Act, which contained the Fiscal Year 2000 Emergency Supplemental that provided the additional funding support for Plan Colombia, on July 13, 2000. I signed the DoD Colombia Supplemental Execution Plan on July 24, 2000 and the US Army's 7th Special Forces Group commenced training the second Colombian counternarcotics battalion on July 27th. As you can see, the Department has, where possible, moved out quickly in support of Colombian counterdrug efforts.

Let me briefly outline the Department's programs. Of note, while funding was appropriated in July of this year, several congressional reporting requirements had to be met first which precluded immediately obligating funding for some of the Department's programs. As a result, most of the supporting contracts are just now being submitted for review by the Department and many of the dates reflect our best estimate of the expected delivery date. As I have already stated, execution remains a challenge before us.

SUPPORT FOR THE PUSH INTO SOUTHERN COLOMBIA

Counternarcotics Battalion Support

The Department has commenced training the second Colombian counternarcotics battalion using members of the US Army's 7th Special Forces Group. This training is scheduled to be completed in the December 2000 time frame. The third battalion is currently scheduled to begin training in early 2001. These battalions will give the Colombian Army a complete counterdrug brigade in the Putumayo/Caqueta region to

engage what is the world's largest coca cultivation center. Plans include positioning counternarcotics battalions at Tres Esquinas and Larandia.

Counternarcotics Brigade Headquarters

The establishment of a counterdrug brigade headquarters is sequenced to support the strategic and tactical operation of the counterdrug Brigade located in southern Colombia. Department support for this program is scheduled to begin in the first quarter of fiscal year 2001. Allocated funding will provide for training, communications equipment, computer needs, facility modification, and similar requirements. The counternarcotics brigade headquarters is scheduled to be operational in February 2001.

Amy Aviation Infrastructure Support

The Colombian Army does not have the infrastructure necessary to support the number and mix of helicopters that will be provided by the Department of State using emergency supplemental funding. DoD will fund a variety of critical aviation infrastructure needs to support the UH-1N, UH-1H Huey II and UH-60 helicopters that are required to provide mobility for the counternarcotics battalions. This program will include funding for electrical utilities and road infrastructure, aviation fuel storage and fueling systems, security improvements, parking aprons and helicopter pads, a maintenance hanger, an operations facility, and a taxiway. DoD has conducted several site surveys and hosted conferences to facilitate planning for this challenging

requirement. Support contracts are expected to be awarded in the first quarter of fiscal year 2001 and continue through 2002.

Military Reform

For some time the Department has been managing a contractor-led endeavor to provide the necessary assistance to Colombia to support the government's effort to restructure its military establishment so it can successfully engage the drug threat throughout the country. The focus of this effort is not tactical but organizational in nature, centered at the Minister of Defense level and the uniformed services of Colombia. The contractor's efforts have focused on restructuring and improving military planning, logistics support for ground and air operational assets, development of counternarcotics military doctrine, development of counternarcotics military strategy, new concepts on recruitment and conscription, development of an integrated intelligence capability, improved computerization and command and control, and similar initiatives. The program will also support efforts to promote human rights and effect judicial reforms. This is an on-going effort and is subject to periodic review. Supplemental funding will be utilized to extend this program should it prove to be necessary.

Organic Intelligence Capability

The intelligence collection capability in the region will be enhanced to support operations by the counternarcotics battalions. This program will provide the

counternarcotics battalions with a combination of airborne and ground tactical intelligence capabilities to directly assist in the planning and execution of counterdrug operations. It is scheduled to begin in the third quarter of fiscal year 2001 and be sustained for an extended period of time.

SUPPORT FOR INTERDICTION EFFORTS

Tracker Aircraft Modification

In the first quarter of fiscal year 2001, DoD will provide for the modification of two Colombia Air Force C-26 Merlin aircraft by installing APG-66 air-to-air radars, Forward Looking Infrared Radars (FLIRs), and communications equipment. The completed aircraft will give Colombia an organic capability to terminally track and intercept illegal smuggling aircraft that move the cocaine from the HCl labs in southeastern Colombia to the Colombian coasts for transshipment to the United States. These modified aircraft will replicate the terminal radar interceptor that supported the Peruvians in their successful air denial operation against the Peru-to-Colombia air bridge. The aircraft modifications should be completed in the summer of 2001.

AC-47 Aircraft Modifications

Commencing in the first quarter of fiscal year 2001, the Department will support the installation of a FLIR in one of the three operational Colombian AC-47 aircraft. The

FLIR will greatly enhance the aircraft's ability to support night operations against drug smuggling activities.

Funding will also support modification of an additional Colombian DC-3, converting it into an AC-47 aircraft with FLIR, night vision cockpit, and fire control systems. This will be the fourth operational AC-47 in the Colombian inventory. These planes have been used repeatedly by the Colombian military to strafe drug trafficking aircraft. The aircraft upgrades are scheduled to be completed in the third quarter of fiscal year 2001.

Ground Based Radar

The contract for the installation of a ground-based radar at Tres Esquinas, Colombia that will provide positive air control for the counternarcotics brigade helicopters and fixed-wing aircraft that operate in the region is scheduled to be awarded in the first quarter of fiscal year 2001. The Tres Esquinas radar will provide improved detection and monitoring of smuggling air activity in the Putumayo region of Colombia, where over 70% of Colombia's coca cultivation occurs. The program includes the upgrade of an existing TPS-70 owned by DoD, and the installation costs for installing the radar at Tres Esquinas. The radar site is scheduled to be operational in October of 2001.

Radar Command and Control

The DoD supported radar command and control program will provide Colombia a modern and operationally effective system, located in Bogota, which will be capable of monitoring multiple radar sites throughout Colombia. It will support positive control of Colombian Air Force air interdiction operations throughout Colombia. The current system is outmoded and needs to be replaced. The contract will be awarded in the first quarter of fiscal year 2001 with completion expected in the first quarter of fiscal year 2002.

Andean Ridge Intelligence Collection

This ongoing program supports Colombia with critical intelligence against drug smuggling activities. It provides for collection sites located in critical areas throughout the drug cultivation and trafficking regions.

Colombian Ground Interdiction

The Colombian ground interdiction program is still in the initial planning stages. Supplemental funding will be used to initiate a Colombian program to control drug smuggling on the major roads across the Andes and those roads feeding the northern coast and western coast cocaine transshipment regions. This funding will start the process of Colombia regaining control of its major roads, which currently are routinely

utilized by the drug trafficking forces. Road control is important since it can help control cocaine and precursor chemical smuggling across the Andes and to/from major ports. As reference, there are 4 or 5 major roads across the Andes and these highways feed the road network located west of the Andes. Vehicle traffic on the highways west of the Andes serves as the principal mode of moving chemicals and cocaine to/from the northern coast and western coast cocaine ports and transshipment regions.

All these programs that I just outlined build on our current strategy – no change in DoD policy is required to execute the programs funded by this supplemental. There is nothing new here for DoD. However, there will be challenges to confront in the course of our efforts to attack the center of the cocaine industry in southern Colombia. It will not be easy, but it is worth the effort. Let me share with you my concerns.

DoD Concerns

Colombian Military Organization

The Colombian military has limitations based on resources, training practices, lack of joint planning and operations. They need to better coordinate operations between the services and with the Colombian National Police (CNP). The restructuring of the military is essential if Colombia is to have continuing operational success against the drug threat. President Pastrana recently announced the issuance of several decrees that will serve to make the Colombian military a more modern, professional and effective force. Among them is a provision giving the

armed forces leadership authority to suspend or dismiss military personnel, regardless of rank or length of service, for poor performance or unsatisfactory behavior, as Congress urged in the supplemental. This is potentially an important tool for ensuring respect for human rights -- if used appropriately. The reforms also include a provision which, in effect, establishes a JAG corps, another of the measures Congress sought in the supplemental. The Colombian military needs help and, as was previously outlined, we plan to use a small portion of supplemental funding towards this end.

Human Rights

I am also concerned, as are Members of Congress and representatives throughout the interagency, about human rights. The human rights practices and procedures that the US government has put in place, in response to legislative enactments, and the example set by the small number of our troops training Colombian forces has had an impact, as have President Pastrana's reforms. Armed forces cooperation with the civilian court system in prosecuting human rights violations committed by military personnel is improving. Some military officers accused of collaboration with or tolerance of illegal self defense force activities have been dismissed, while others face prosecution. The armed forces have demonstrated greater aggressiveness recently in seeking out and attacking illegal self-defense forces. Clearly, the Colombian Armed Forces have come a long way, yet no one would dispute that more must be done. I am also alarmed by the reported dramatic increase in human rights violations attributed to both the illegal self-defense forces and insurgents -- this is symptomatic of Colombia's crisis in general and, as I see it, a call to action. We continue to press the Government of Colombia for

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sustained progress and concrete results in its efforts to improve the human rights climate, and our assistance package contains a variety of human rights elements in support of this goal.

Counterdrug vs. Counter Insurgency

Lastly, let me address the “targets” of this supplemental package, and our source zone strategy as a whole. The targets are the narco-traffickers, those individuals and organizations that are involved in the cultivation of coca or opium poppy and the subsequent production and transportation of cocaine and heroin to the US. Only those armed elements that forcibly inhibit or confront counterdrug operations will be engaged, be they narco-traffickers, insurgent organizations, or illegal self-defense forces.

I know that some are concerned that we are being drawn into a quagmire. Let me assure you, we are not. There are numerous restrictions, constraints, and reviews that are involved in the approval of the deployment of US military personnel on counterdrug missions in Colombia. It suffices to say, the process is comprehensive, involving reviews by the Embassy in Bogota and US Southern Command in Miami as well as the Joint Staff and the Office of the Secretary of Defense. I personally look not only at who is deploying and what they are doing, but at the specific locations to which they are going. Furthermore, each and every deployment order states, in no uncertain terms, that DoD personnel are not to accompany host nation personnel on operational missions. This will not change. As I have said, the execution of this increased support does not require a change in US policy. Is there risk to US personnel providing

counterdrug support? Yes, there is. However, we are aggressively working to minimize that risk.

In summary, the Department of Defense supports this additional assistance for Colombia. US Southern Command and my office participated extensively in its formulation. It integrates fully our source zone strategy, affording the opportunity to enhance those counterdrug programs that have proven successful in Peru and Bolivia. Execution will be a challenge and it will take some time before measurable results are achieved. There will be setbacks and perseverance will be required. However, President Pastrana has asked for international support to address an internal problem that has international dimensions -- fueled in part by our country's demand for illegal drugs. We can, and should, provide this assistance. It is time to move forward.

Mr. MICA. Did you have a statement, General Huber?

General HUBER. No, Mr. Chairman, I did not. I read Mr. Sheridan's statement. He covered the DOD responsibilities. I would like to make a few comments with your permission.

Mr. MICA. Please proceed.

General HUBER. Thank you, Mr. Chairman and members of the committee, for this invitation and privilege to be present before you in this very important meeting.

I would like to say that my lane of responsibility is fairly narrow, as you recall, Mr. Chairman, from visiting Southern Command headquarters in Miami. As the Director of Operations I supervise the equipping and the training of the counternarcotics brigade. We concluded with the first battalion last December. We are currently in progress with the second battalion. We began at the end of last month the training of the brigade staff, and we project the training of the third battalion to begin in late January, and I am eager to answer any questions that you might have that fall into my operational role as the Director of Operations at Southern Command. Thank you.

Mr. MICA. Thank you.

We will proceed now with questions.

First of all, Mr. Ford, let me just go over the report with you. A couple of the points, on page 3, first of all, you gave examples that the helicopters that the Department of State provided to the Colombian National Police did not have sufficient spare parts or the funding necessary to operate and maintain them; is that correct?

Mr. FORD. Yes, sir. We have identified several cases since 1998.

Mr. MICA. Mr. Beers, is that still the situation, or do you have that corrected?

Mr. BEERS. Sir, there are two issues here to look at. I am not in disagreement that there are some spare part shortages, but there are input functions and output functions. With respect to the output function, which is the operational readiness rate of the Colombian National Police, Colombian National Police helicopters continue to operate at a 70 percent operational readiness rate, which is not at all out of line with the normal operational readiness rate of the U.S. military. So without denying that there are some spare parts shortages, they are still flying those planes.

Mr. MICA. Mr. Ford, page 3, moreover the U.S. Embassy has made little progress implementing a plan to have Colombian National Police assume more responsibility for the aerial eradication program; is that the case? Through when? Through 1999?

Mr. FORD. Beginning late 1998, the narcotics affairs section at the Embassy developed a plan to turn over the aerial eradication program over to the National Police. It was meant to be a 3-year effort. The current U.S. contractors down there, I believe, were supposed to help train the Colombians so that they could take over that role. Basically I guess the issue has been overcome by events. Given that Plan Colombia, it is a secondary priority there.

Mr. MICA. What is the situation, Mr. Beers? Is this correct as addressed?

Mr. BEERS. The facts are correct, sir. With respect to the nationalization effort, we began discussions with the Colombians in

roughly that timeframe. We have had some modest transition in respect to the opium poppy effort where we have transferred six aircraft and essentially supported the Colombian National Police in the opium poppy eradication effort; but with respect to the coca effort, that transition has not occurred.

We have an issue of the balance of using funds between a continuation of the current effort and a shift from the current effort to a Colombian effort, and the funds were simply not available to continue the eradication effort and also at the same time begin the process of the transition to the Colombian National Police. I wish that we had that funding. We did not, and so it has not happened.

Mr. MICA. Well, the GAO report also says State planning documents indicate it has not budgeted funds to train pilots and mechanics, provide logistical support and support the operations of certain U.S.-provided helicopters. Mr. Ford, how current is that?

Mr. FORD. Well, the most current case is really a funding issue having to do with the transfer of I believe it was 18 Huey-1N helicopters which were intended to support the counternarcotics battalion.

Mr. MICA. That was as of?

Mr. FORD. They were delivered between November and, I believe, March 2000 with the intent that they would be used by the battalion by late April or early May. However, State basically ran out of funds, and they basically had to put the program in abeyance.

Mr. MICA. Why didn't we reprogram money to take care of this situation, Mr. Beers?

Mr. BEERS. We did not reprogram money because we were waiting for the supplemental to be funded. We had reason to believe from the early consultations in January and February when the plan was proposed that the funding would be available. We had programmed the 1N program on top of previously programmed moneys, so it was an additive program. When the funding was not available, we did not have the funding available within the overall program.

Mr. MICA. So, General, you had your battalion trained, one battalion trained?

General HUBER. That is correct.

Mr. MICA. Were they deployed?

General HUBER. Yes, Mr. Chairman, although they had to use ground mobility means. They did receive some support from the National Police helicopters, but that first battalion located at Tres Esquinas—

Mr. MICA. When was their training finished?

General HUBER. Last December.

Mr. MICA. When were they first deployed?

General HUBER. They were deployed in ground operations immediately at the conclusion of training. They have not simply stayed put at Tres Esquinas.

Mr. MICA. Do you have the air capability to move them around yet?

General HUBER. No, sir, we do not.

Mr. MICA. OK, thank you.

Let me ask this question, if I may. Someone told me that they are going to start training pilots November 1, begin training heli-

copter pilots. Now, in the report that GAO supplied, they had trained helicopter pilots, and then they laid them off; is that correct?

Mr. BEERS. Yes, sir, that is correct. We had trained the pilots. They are a combination of contract and army, Colombian Army, pilots.

Mr. MICA. Do we have them—but then they were laid off. Now we are training new pilots beginning November 1?

Mr. BEERS. No, they were rehired beginning late September. They have basically been retrained now, and they will be deploying to southern Colombia with the first eight of the 1Ns for training activities in Larandia in the latter half of October.

Mr. MICA. So we have trained pilots?

Mr. BEERS. For the 1N, sir.

Mr. MICA. How long will it take to train them for the Black Hawks?

Mr. BEERS. We have talked with the various training sources, and they will be available no later than the first of July for all of the Black Hawks, sir.

Mr. MICA. Trained?

Mr. BEERS. Trained pilots and mechanics.

Mr. MICA. We want to make sure that if we have Black Hawks next July, that we have pilots.

Mr. BEERS. Absolutely.

Mr. MICA. I am very concerned about putting these—this equipment, particularly the helicopters, they are pretty expensive, and not having adequate defense, whether it is armor, which some were delivered without, and now I am concerned about the surface-to-air missile threat. Is there such a threat, Ms. Salazar?

Ms. SALAZAR. We don't have any confirmed information.

Mr. MICA. Do you think that it is possible? People who can build a submarine a couple of miles from Bogota, would it be possible for them to acquire surface-to-air missiles?

Ms. SALAZAR. As we have stated in the past, it would not surprise us.

Mr. MICA. General, do you feel that the equipment that is being ordered for the new equipment, the Black Hawks in particular, is sufficient to deter, say, a missile attack?

General HUBER. Sir, the State Department's configuration of those helicopters has indeed applied the proper measures to defeat surface-to-air missiles.

Mr. MICA. That is not what I am told.

Mr. BEERS. Sir, that is current information. It may not have been when you were told that, but the configuration which we described has two features on it.

Mr. MICA. We won't get into that in public, but I do want to sit down and be briefed on that. I am very concerned that we have an incident where this equipment which was sent down there to do the job is not capable of defending itself from an attack.

Mr. BEERS. We will be happy to brief you in private, sir.

Mr. MICA. Let me defer at this point to the gentlewoman from Hawaii.

Mrs. MINK. Thank you, Mr. Chairman. The whole idea of this particular method of addressing our drug problem in the United

States is very confusing and perplexing. I have every confidence that the moneys having been provided to you for the specific purposes as outlined in the appropriation bill will be fully and competently expended for the purposes intended. So I have no intention to question when you are going to do it and how, and the fact that it will be done as quickly as you humanly can get it in place as intended.

I have no question with respect to the overall goals of Plan Colombia, which is to reduce the cultivation, processing and distribution of narcotics by 50 percent over 6 years—it is a laudable goal—and the request made by the Colombian Government to the United States to participate in it, and to that extent the U.S. Congress has appropriated \$1.3 billion for that effort. My question really to the entire panel is over the years of our concern about Colombia and its importance with reference to our drug problem in the United States, would you be able to say that the expenditures of the funds thus far allocated to various segments of the U.S. Government have been effective in curbing the market of these drugs within the United States? And if not, why not?

Mr. BEERS. I will start, if I may. I think it is important in first asking the question to talk about the coca problem not as a Colombian-only problem, but to talk about it as a regional problem. The ability to supply the United States with coca is an Andean problem, it is not just a Colombian problem. It has become focused in Colombia as a result of some successes in Peru and Bolivia, and I think that those successes are noteworthy, and I think that those successes overall still balance out in the affirmative with respect to the overall success in the region as opposed to the dramatic increase of coca cultivation.

Mrs. MINK. In the successes of Peru and Bolivia, to what extent was U.S. policy responsible for the successes that those two countries enjoyed?

Mr. BEERS. U.S. policy has been in support, but none of these programs and policies and efforts work without the cooperation of the host government concerned; and in both countries we had governments willing to deal with this problem and to go after it and to do it successfully.

We have had some difficulty in Colombia in years past, despite the efforts of the Colombian National Police, but I believe we have now a Government in Colombia of like mind to the Governments in Peru and in Bolivia.

With respect to the issue of the effect of the drug flow in the United States, I cannot report to you that the overall success in the Andean region has had the same direct effect within the United States because the United States is also not the only drug market in the world for cocaine use. And the ability of the traffickers to produce drugs and supply markets around the world is a pretty effectively managed illegal industry, and while I think it is fair to say that drugs have dropped within the United States over the last certainly 20 years from the worst period in the late 1970's, I am not going to try to assert to you that there is a direct relationship between the last 5 years of government assistance in Colombia or even in the Andean region for the decreases in drug use within the United States.

But I do believe that our effort on the supply reduction side together with our effort on the demand-reduction side are two parts of a whole, both of which require the support of the U.S. Government, and only through both of which will we be successful.

Mrs. MINK. What is the real, honest expectation that we can convey to the American people that this particular involvement of the United States in the Plan Colombia will yield the successes as we want to see them in the United States, and that is to reduce the supply?

Mr. BEERS. Yes, ma'am, I think this is the best opportunity that the United States and the world will ever have to deal with the cocaine problem. We have for the first time—and I have been working in this area for 12 years through three administrations in the State Department and at the White House, and I believe that through the position of the three Andean coca-producing countries, together with the United States, we have the best opportunity we will ever have, and that the goal of reduction of coca in Colombia by 50 percent over the next 5 years is a reasonable goal. It is exactly parallel to the already successful effort that has occurred in Peru. It is slightly less heroic than the effort that has occurred in Bolivia, which that same level of 50 percent has occurred in 2½ years, but it is also a tougher environment in Colombia. I think this is the best opportunity we will ever have. And that will show an effect in the United States.

Mrs. MINK. The helicopters that are being built and transferred to Colombia, exactly to whom are they being delivered? Under whose management authority will these helicopters be flying and for what purpose?

Mr. BEERS. There are two groups of helicopters in the general sense. Some will go to the National Police, and some will go to the Colombian Army. A few planes, not helicopters, will go to the Colombian Air Force. The title for those planes will all be retained by the State Department, as is customary in these situations for counternarcotics purposes under the legislation under which you have authorized us to proceed.

With respect to the Colombian Army, an organization which the State Department has not supported in the past, we are moving together with the Department of Defense, together with U.S. Southern Command, to make available to the Colombian Army up to 16, but it will probably be 13 or 14, Black Hawk helicopters, and up to 30, but it may not be that many, Huey II helicopters and 33 UH-1N helicopters. The ability for the Colombian Army to be able to have a fully air-mobile counternarcotics brigade and the first ability to do that lift will be before the end of 2001.

With respect to the Colombian National Police, we will be providing one or two Black Hawk helicopters and 9 to 12 Huey IIs, in addition to the already existing Colombian National Police aircraft inventory, which includes Black Hawks and Huey IIs. They will be to support the Colombian National Police operations on a national basis.

Mr. MICA. I thank the gentlelady.

Let me yield now to Mr. Gilman, the gentleman from New York.

Mr. GILMAN. Thank you, Mr. Chairman. And I want to thank the panelists for coming here today to give their expert opinions.

Let me first address a question or two to Mr. Beers.

Mr. Beers, the antidrug police in Colombia have the urgent need, plus the pilots and the mechanics and infrastructure, to at this time, at this very important moment, to support two Black Hawks in the Plan Colombia emergency supplemental. The Army does not have such capacity. We are hoping that you will work to ensure that the first two, whatever total Black Hawks you agree on for Colombia, will go to the police. It will make sense when some of us are having trouble trying to decipher what the administration is doing with the Plan Colombia funds. So can I have your assurance that you will work in that direction?

Mr. BEERS. I can't give you my assurance that the first two Black Hawks will go to the Colombian National Police. We will certainly take your view into account. We have not decided yet on the final configuration of the two Black Hawks for the police. We have decided on the final configuration for the Black Hawks for the Colombian Army. That does not mean that the first two cannot be delivered to the police. We will have to bring all of that into account. We will have all of the Black Hawk helicopters delivered to Colombia, Army and police, before the end of calendar year 2001, in the third quarter essentially.

Mr. GILMAN. Before 2001 in the third quarter?

Mr. BEERS. Yes, sir.

Mr. GILMAN. When will your first delivery take place?

Mr. BEERS. July 1, 2001. That is the earliest possible date that Sikorsky can provide the helicopters. This is a delivery date that is faster than the delivery date that the administration offered to the Congress when we presented the original plan in February 2001, not having anything to do with the fact that it took another 6 months to pass the supplemental.

Mr. GILMAN. I think it is abominable to have to wait that long when they are confronted with such a critical problem, and I hope you will try to expedite that delivery and make certain that the delivery goes to the people who need them the most. They need these Black Hawks. I hope that you will take a good hard look at that, Mr. Secretary.

The State Department recently turned down a CNP for night vision goggle training on one of its Black Hawks by the Colombian Army at no cost to our government. Why would we not want the CNP to maximize the use of the Black Hawks at night as well by giving them that kind of training?

Mr. BEERS. Sir, thank you for that question. That is a very good question. The reason, the effort, the focus, of our effort is to do what you want us to do, and one pilot in one plane does not make a night-capable effort. Our effort is directed at training the Black Hawk pilots, plural, for the Colombian National Police, and we are engaged in a program to provide the Colombian National Police with a Black Hawk pilot night vision capability.

I will give you a full report on that as soon as we and the Colombian National Police have agreed to how we are going to do that. But it is the entire Black Hawk pilot fleet and not one pilot, sir.

Mr. GILMAN. We are not asking one pilot, we are asking that it provide the training.

Mr. BEERS. That is what I am talking about, sir.

Mr. GILMAN. Pilots need that training to do their work.

Mr. BEERS. That is our objective.

Mr. GILMAN. The Colombian Army General Montoya, who is in charge of the push into southern Colombia, recently told our committee staff that he couldn't get any defensive weapons other than an ineffective M-60 machine gun to protect his troops in our counter-narcotics choppers. He cited the Leahy amendment as the reason. In addition, he told our staff, even these M-60's, which at best might scare the birds away, all burned up during the counter-narcotics battalion training. Are we going to send the Army counter-narcotics battalions who are trained into combat against the FARC, who are waiting and know they are coming, without adequate defensive weapons like an MK-44 minigun to protect both them and our choppers? Isn't this a disaster waiting to happen?

General HUBER. Mr. Gilman, that is outside of my operational lane. As to the configuration of the lethal aid—

Mr. GILMAN. Who is responsible for that? Is that Ms. Salazar?

Ms. Salazar, how do you respond to that?

Ms. SALAZAR. Yes, thank you, Mr. Gilman.

As you know, the Department of Defense does not have authorities to allow us to purchase lethal aid. And in conversations with our Colombian counterparts, we are providing the necessary equipment for the counterdrug battalions.

Mr. GILMAN. Doesn't the statute provide for protection of the assistance that we provide?

Ms. SALAZAR. Yes, but it very specifically states that we cannot provide lethal aid. Our statutes prohibits us from doing that. In the past you will find that you will not be able to provide lethal aid.

Mr. GILMAN. Mr. Beers, go ahead. What about proper protection? You are sending this equipment down and—you don't give them decent weapons.

Mr. BEERS. The authority rests with the Department of State. We, together with U.S. Southern Command, not General Huber's portion of Southern Command, but the planning side of U.S. Southern Command, and the Colombian Army have had an ongoing configuration discussion with one another from May until August to decide on what the armament ought to be for the aircraft.

Mr. GILMAN. What have you decided?

Mr. BEERS. It ought to be the M-60 machine gun and the MK-44. Sir, this is agreed to by the Colombian Army and the best military experts in the U.S. military. This is not a State Department decision.

Mr. GILMAN. Mr. Beers, is the M-60 an effective defensive weapon?

Mr. BEERS. Sir, this is the judgment of the military professionals of two armies.

Mr. GILMAN. Well, that is not the opinions that we are receiving, and I hope that you will take another look at it. They find that the M-60's are ineffective, and they burned out on use.

Ms. Salazar, who is in charge of U.S. military assistance in the Colombian Army? Is it your office or Mr. Beers?

Ms. SALAZAR. We work closely with the U.S. Department of State.

Mr. GILMAN. But who is in charge?

Ms. SALAZAR. We have the policy—the policy guidance over the programs, but, as you know, much of the authorities and the funding comes from the Department of State.

Mr. GILMAN. But who makes the decisions with regard to the kind of equipment, the military equipment?

Mr. BEERS. The military does, sir. The U.S. military does. We provide the money. They provide the decision process.

Mr. GILMAN. Who in the U.S. military makes that decision?

Mr. BEERS. It is Assistant Secretary Sheridan in consultation with the Chief of U.S. Southern Command.

Mr. GILMAN. General Huber, are you consulted with regard to that?

General HUBER. Yes, sir. All of the general officers in Southern Command have the ability to provide input as to the effectiveness of equipment purchases.

Mr. GILMAN. General Huber, who decided to put the M-60's on the Hueys?

General HUBER. Sir, I cannot answer that question. I was not involved in that discussion.

Mr. GILMAN. Who would be?

General HUBER. My understanding of that discussion, specifically as Mr. Beers stated, it was a combination of the people who are going to use the platform, the Colombian military, as well as the requirements strategy portion, Major General Soligan at Southern Command.

Mr. GILMAN. Major General Soligan?

General HUBER. Yes, sir. He was involved in that discussion as well.

Mr. GILMAN. In your opinion, is the M-60 a good defensive weapon?

General HUBER. Sir, I have had this discussion with Brigadier General Montoya, and he and I differ on that opinion. The M-60, when properly utilized and maintained, is an effective defensive weapon.

Mr. GILMAN. Did General Montoya say it was ineffective?

General HUBER. I will ask him that question next week.

Mr. GILMAN. Would you please do that so we have good defensive weapons for this expensive equipment?

Mr. Ford, in July the State IG reported that NAS in Colombia didn't consult with the CNP on the configuration of helicopters we provided them. Has that changed today?

Mr. FORD. I can't speak for the IG. I have seen the report. They did, in fact, report that there were communication problems between the NAS and the police; and beyond that, I don't have any expertise in terms of where they got their information.

Mr. GILMAN. Is that a problem that can be straightened out?

Mr. FORD. I don't see why not. It is a matter of communications. They ought to be able to handle it.

Mr. GILMAN. Would you be able to handle it?

Mr. FORD. I will be happy to pass it on. I am not the State IG.

Mr. GILMAN. Is that Mr. Beers again?

Mr. BEERS. Yes, sir.

Sir, I think that the report accurately stated that there were some problems of consultation. I firmly believe that those problems have been corrected.

I believe that the Black Hawk helicopters which you authorized and appropriated for us to buy did involve full consultations. I can assert absolutely that the Black Hawks that the Army and the police are currently discussing involve full consultations, as do all of the other aircraft in Plan Colombia.

Mr. GILMAN. It is gratifying to hear that, and I hope with all of this bureaucracy involved in trying to provide a proper offense against narcotics traffickers, you will work together to make sure that we have the most effective equipment and effective supplies to go to the people who are there on the front line.

Mr. BEERS. Yes, sir.

Mr. GILMAN. Thank you, Mr. Chairman.

Mr. MICA. Ms. Schakowsky.

Ms. SCHAKOWSKY. Thank you, Mr. Chairman.

Mr. Beers, I am wondering if you have any written response, or the State Department does, to the GAO report, because after listening to Mr. Ford and then listening to you, it is as if you didn't hear him, or everything was going along hunky-dory, and I am wondering if the Department of Defense—Ms. Salazar, you said there are written responses to the GAO report. Does the State Department have a written response?

Mr. BEERS. We commented on some of the elements of the GAO report. We welcome the opportunity for investigative organizations such as the GAO and the State IG to help us do a better job. We think that this was done in that spirit.

Ms. SCHAKOWSKY. I am wondering if we can all get copies of your responses that you do have.

Mr. BEERS. You certainly may.

Ms. SCHAKOWSKY. I am concerned about three things that I want to briefly ask about: the cost; the number of Americans involved; and human rights abuses. It concerns me that neither the international donors or Colombia itself is coming up with their share, it seems, of the \$7.5 billion for Plan Colombia, but what I want to know is if they don't, do you foresee a request for yet more money and a larger share of the burden being funded by our U.S. taxpayers?

Mr. BEERS. I think that it is fair to say that the Government of Colombia has provided some—remember it is a 3-year program when they estimated it was \$7.5 billion, and we are only in the first year of that program. So it is premature—

Ms. SCHAKOWSKY. If they don't come up with the money, do you foresee us paying for more of it?

Mr. BEERS. We will be back to the Congress, and we never said that we wouldn't be back to the Congress independent of all of the other assumptions in a 2002 request which will be for additional money to support Plan Colombia. The money that is already in the fiscal year 2001 budget in both the Department of Defense and State Department budget is also supportive of Plan Colombia. So there will be more requests for money to support Plan Colombia. This is not even a 3-year program, it is a 5-year program.

Ms. SCHAKOWSKY. Will that amount that is requested be impacted by what the Europeans do or what—do or don't do or what the Colombians do or don't do?

Mr. BEERS. It will be impacted by all of the factors that are relevant, and that is one of them.

Ms. SCHAKOWSKY. I am concerned about the number of Americans involved. I want to quote you from an article that appeared in the Chicago Tribune on September 24 of this year. It starts, "The hotshot pilot swoops down at 200 miles per hour in his Vietnam-era crop duster gliding 50 feet over the coca field valleys he has been hired to destroy. For now he is part of a growing civilian army hired by Uncle Sam to help fight Colombia's war on drugs to be financed largely by the \$1.3 billion in U.S. aid. While there are limits to the number of U.S. military people who will be involved in training Colombian troops, there are fewer restrictions on how many U.S. civilians can be hired by military contractors. 'Every pirate, bandit, everyone who wants to make money on the war, they are in Colombia,' said one Congressional aide in Washington. He described efforts to snare contracts as a free-for-all. 'This is what we call outsourcing a war,' he said, referring to the use of freelance help."

Then it says, "It is difficult to predict how many Americans will become part of the Colombian conflict, up to 100 special forces. Navy SEALs already are teaching Colombia's counternarcotics battalions. U.S. workers are operating ground radar stations. Civilian coca-spraying crews provide aircraft maintenance at Colombian bases. On any given day, 150 to 250 Americans are helping in Colombia's drug war. That number will go to 500 U.S. military personnel and 300 civilians under new caps that can be increased by the President."

I am wondering that we as Americans ought to be concerned about this growing number and the extent to which this civilian-paid Army is a presence in Colombia; and what, if anything, we are going to need to do, as Representative Gilman was asking, to protect them?

Mr. BEERS. The Department of Defense has programs of its own, and I will only speak to the State Department and the Justice Department, since they are also part of this effort and are not here.

We have in Colombia, in support of efforts that preceded Plan Colombia and that will continue into Plan Colombia, aircraft, a number of aircraft, some of which are flown by American pilots, but not all; some of which are maintained by American mechanics, but not all. Those will continue until we have completed the training process and turned this over to the Colombian National Police in order to ensure that we have a continuous and strong effort to deal with the eradication side.

That is one element of the overall U.S. contractor, and I am not talking about Federal Government employees, I am only talking about contractors that will be involved.

In addition to that, USAID, in support of programs which deal with alternative development and support for social justice within Colombia, will also have some U.S. contract personnel within Colombia.

In addition to that, the Justice Department, in addition—

Ms. SCHAKOWSKY. Is there a number?

Mr. BEERS. You will have to get that number from AID, or I will get it for you. I don't know it off the tip of my tongue.

In addition, the Justice Department will have some contract employees, but you are correct in saying that the limit currently is 300 contract U.S. employees within Colombia. That accounts for the State Department portion of that. There are also some contracted employees in the Department of Defense as well as uniformed personnel.

Ms. SCHAKOWSKY. One more area that I wanted to get to.

I am concerned about the human rights abuses and our reliance on the military, the same military that we are sending—and police, by the way, Black Hawks and Huey IIs and whatever. On August 15, 2000, six children were killed when the army opened fire for about 45 minutes. They claimed that guerillas were mixed up with some children. There has been no evidence. There were no shells near the children, no wounded or killed soldiers or guerillas.

In the last couple of days, two human rights defenders were abducted in Colombia. There had been death threats. We continue to show our faith in the army and in the police where if—I have plenty of evidence here of cases where even the police who we say are beyond approach are not so, and keep funding them. The President certified that human rights criteria have been met. Why should we, in the face of this kind of evidence, believe that is so?

Mr. BEERS. Ma'am, with respect to the two incidents that you outlined, and particularly the tragic incident concerning the school-children, we are as concerned as you are about those incidents, and we have asked the Colombian Government for an accounting of both of those incidents in order to understand what has happened and what has gone wrong if it appears that the initial evidence, with respect at least to the issue concerning the children, is, in fact, accurate.

I am not in a position today to give you an answer to the Colombian response to us. I am not sure that we have received it yet. But I will get you that information as quickly as I possibly can.

With respect to the efforts to support the police and the army and the Colombian military more generally, you all have been generous in your support for focusing on and dealing with the human rights situation in Colombia, and we take that funding support seriously; and we have both in the State Department and the Justice Department and the Defense Department put together a number of programs designed specifically to improve the overall human rights situation in Colombia.

It will not happen overnight, and I am not here at this particular point in time to say that there is a perfect record on the part of the Government of Colombia. But I will say that I think we have demonstrated from the State Department's perspective that the situation has gotten better in Colombia, but there is still more work to be done, and the Colombians would agree with my statement.

With respect to the President's certification, with all due respect, ma'am, he waived that certification. He did not certify. We were not in a condition to certify because the conditions had not been met by the Colombian Government. Those are a continuing subject of dialog between ourselves and the Government of Colombia.

Every meeting with senior-level officials of the Government of Colombia that I have participated in has involved that subject as a major element of that discussion.

Ms. SCHAKOWSKY. What is the significance then of waiving? If the aid packages are conditioned on the President's certification, does that mean that although we are not able to certify, we are going to continue funding even in the face of continued human rights abuses? What status is that?

Mr. BEERS. The provisions of law, as I understand them, are that we are required in every fiscal year in which we expend money for Plan Colombia to either certify or waive those requirements. So the original waiver that the President signed was for fiscal year 2000. Before we can obligate any money in fiscal year 2001, we will again be required to certify or to waive those requirements.

Of those human rights requirements, three were factual: Has the Government of Colombia done a specific act? The other three were, having done that specific act, have they, in fact, implemented the intent of that act over a period of time?

And the second three issues are written—currently written in very absolute terms, fully implemented, completely done, and at this particular point in time, I think if you asked us today to make a determination, we would now be in a position to say that we believe that the Colombian Government has carried out the three specific acts that you have asked them to carry out. But we are not in a position today, and we will continue to work with the Government of Colombia to get them to be in a position to say that they have, in fact, implemented the intent of those specific acts.

Mr. MICA. I thank the gentlelady, and I now recognize Mr. Ose from California.

Mr. OSE. Mr. Beers, it is my recollection that the supplemental we passed in July had a—had some specific reporting requirements in terms of the actual strategy that was going to be used in Colombia. What I am trying to figure out—I know that there was a time line on that. Was it 60 days that we were supposed to have that back?

Mr. BEERS. I believe that is correct.

Mr. OSE. Has that been delivered?

Mr. BEERS. It has not, to the best of my knowledge, as of yesterday morning. I am not sure today. It is in final preparation in the White House at this time, sir.

Mr. OSE. Who in the White House might we call?

Mr. BEERS. The Office of National Drug Control Policy is the office which has been assigned responsibility for drafting that strategy, sir.

Mr. OSE. The strategy is actually being reduced to black and white?

Mr. BEERS. The strategy is drafted. It is in final clearance.

Mr. OSE. So we are going to get it shortly?

Mr. BEERS. Yes, sir.

Mr. OSE. We talked about the aid going to Colombia. How do we measure its efficacy? Do we measure it by the price on the street? Do we measure it by immigrant flows? How do we measure whether or not our aid is working?

Mr. BEERS. Sir, I am a believer that the best measurement of this kind of a program is what I talked about earlier, which is the output function. The output function from Colombian drug traffickers is how much coca do they grow and process and export from Colombia. And the principal benchmark which we use is the number of coca hectares under cultivation, and that is the measurement against which the 50 percent reduction is designed to focus.

Mr. OSE. Do we track how much comes north?

Mr. BEERS. Yes, sir.

Mr. OSE. That is what DOD does?

Mr. BEERS. That is what the Intelligence Community does, sir.

Mr. OSE. How do they do that?

Mr. BEERS. It is a classified program, but in general terms, through various forms of intelligence, they look at what information is available with respect to the movement of coca to the United States.

Mr. OSE. So we have assets in the area that monitor the go-fast boats?

Mr. BEERS. Yes, sir, planes, land transport, all of that.

Mr. OSE. Do we have locations in the area—we do have—we have those forward-operating locations?

Mr. BEERS. Yes, sir. We also have ships at sea.

Mr. OSE. Now, if I recall correctly, back in June, Ms. Salazar, you were before us, and you were talking in particular—I think the three forward-operating locations were Manta, Aruba and Curacao?

Ms. SALAZAR. And now El Salvador.

Mr. OSE. There were some problems with each of those. Having pulled out of Howard, we had to make some improvements to the runways and taxiways at Manta and also some aprons at Aruba and Curacao. Did the Colombian supplemental contain funding for those improvements?

Ms. SALAZAR. Yes, under the MILCON authorities for those improvements. We will be coming back for fiscal year 2002 for the improvements for El Salvador.

Mr. OSE. I want to focus right now on the Manta improvements. As I recall from your testimony in June, the Air Force was on the verge of a contract for the runway and taxiway improvements like the middle of July.

Ms. SALAZAR. Correct.

Mr. OSE. Were those contracts awarded?

Ms. SALAZAR. I believe we put a hold on it for a couple of weeks. I believe they were about to be let, or they may have been let already, but we basically gave out the order for the contracts to be let.

Yes, there were two series of contracting awards that were taking place. The first one, the construction contracts, were let.

Mr. OSE. OK. Now, obviously when we work on the runways and taxiways at Manta, you can't use the base while the construction is under way. If I recall correctly, Southern Command was in the process of arranging alternative—an alternative forward location to Manta while the construction was under way. Have those arrangements been completed?

General HUBER. Yes, sir, they have. You are exactly correct. As we looked at how long it would take basically to pour the concrete,

we will use Aruba and Curacao as well as the international airfield in El Salvador, where we have aircraft operating out of right now, sir.

Mr. OSE. Are we—let's see, July, August, September, are we on schedule with the improvements to the runways and taxi ways at Manta to be able to put AWACS into the region under the original schedule which called for by summer of 2001?

General HUBER. In my opinion, yes, sir, we are.

Mr. OSE. Ms. Salazar, you were the one who brought this subject up back in June.

Ms. SALAZAR. The way—I'm making calculus in my mind. As you know, we didn't get the supplemental until July 1st, so there was some stalling in the first. So we may be off by some weeks.

Mr. OSE. So we are going to make it by the summer of 2001 on AWACS at Manta.

Ms. SALAZAR. We hope so.

Mr. OSE. I guess that's a commitment.

Now, the next question I have is that we had a long discussion in that June hearing about P-3's versus AWACS. And I know I submitted some written questions for the record, Mr. Chairman, related to the efficacy of the P-3 versus the efficacy of the AWACS relative to their cost and their range and what have you. Ms. Salazar, if you can, is there a difference in the performance between a P-3 and an AWACS in this area?

Ms. SALAZAR. Sir, I would defer to General Huber since this is an operational question.

Mr. OSE. General, is there a difference in the performance of a P-3 versus an AWACS in this area?

General HUBER. Yes, sir, there is. Other than the obvious time on station and duration, the AWACS, which is our primary goal, as you know, to get that AWACS operating in Manta to give us particularly the range into the southern portion of Peru which we can get with the P-3's here.

Mr. OSE. Is the—am I correct in recalling that—I'm trying to remember, it's like if you have one AWACS that it requires 2.4 P-3's to do the same job?

General HUBER. I'm not familiar with that comparison, sir.

Mr. OSE. If a P-3 is not the equivalent of an AWACS on a one-to-one basis from an efficacy standpoint, is it half as effective? Is it three-quarters as effective? Do you have any feel for that?

General HUBER. No, sir, I don't. But I will get that answer from the Air Force component. They've got the experience. I'm just a simple infantry man.

Mr. OSE. We all dump on, don't we. All right. I want to go back one more question, Ms. Salazar, on these forward operating bases. As it relates to Howard, if I recall correctly, your testimony for the last fiscal year out of which or in which Howard operated as forward operating location was that there was a—cost of the flights out of Howard was \$75 million. The relative costs of operations out of, say, Manta or Aruba or Curacao or El Salvador, how does that compare to the \$75 million?

Ms. SALAZAR. Sir, I want to come back to you with the exact numbers. There have been some confusion because different num-

bers were given at different times. If you allow me, I'll come back with the exact number.

Mr. OSE. I'm not sure I'm interested in doing that, Ms. Salazar, because I did submit these questions for the record back in June and I don't yet have answers.

Ms. SALAZAR. I apologize, sir. Generally my staff and myself are—we try to get those questions to you as soon as possible. If you don't have them, I will make sure that you have them this week.

Mr. OSE. Can you get a copy of this and take that to Ms. Salazar, please?

Thank you, Mr. Chairman.

And then bring me the original back.

Mr. MICA. I thank the gentleman. And also if we could have a response for the record. We have it open for 2 weeks. We would appreciate you responding to the questions. If they weren't answered in June, they should certainly be answered after that hearing.

Let me yield now to the gentleman from Maryland, Mr. Cummings.

Mr. CUMMINGS. Thank you, Mr. Chairman. I only have a few questions. Mr. Beers, is the United States assisting Colombia in identifying additional funding sources to support the plan?

Mr. BEERS. On a regular basis, sir. That is a constant topic of discussions. We have weekly or nearly weekly television conferences with them and that's one of the continuing every-time subjects that we talk about.

Mr. CUMMINGS. You said every time what?

Mr. BEERS. Every time we meet we talk about that subject and what each of us are doing together and separately in order to generate additional external funding.

Mr. CUMMINGS. OK. And what kind of progress are we making?

Mr. BEERS. Well, since the conference that was in July we have generated, I believe the numbers, an additional \$200 million in pledges. We're looking toward another conference coming up in October or early November to try as a date specific to generate additional funds. President Pastrana is going on a European tour, I believe at the end of October, and we will be sending people in parallel to talk to the European donors as well.

In addition to that, we have a longer term effort in association with the U.N. Drug Control Program. There will be a major donors conference meeting in December which I will attend. That will be another opportunity to talk to donors about generating additional funds.

Mr. CUMMINGS. According to the Los Angeles Times, I think they say a third of the drugs coming out of Colombia go to Europe. Is that accurate?

Mr. BEERS. Roughly, yes, sir.

Mr. CUMMINGS. And other than these discussions, I mean do we have ways of pressuring Europe to contribute more?

Mr. BEERS. Pressure, I wouldn't put it quite that way, sir, but we certainly make a strong effort at senior levels in the State Department to make that clear that this is a joint effort and that we are all subject to the problems that come out of Colombia. We provide them with information both open source and for those countries with which we exchange classified information we provide

them with that same information or more information, I should say, on the classified basis. We have made attempts to talk to media in European media outlets in order to bring this effort to the publics within Europe in order to try to generate that same kind of support as has been done so effectively by many of you in this country in terms of drawing the American people's attention to the problem of drugs.

Mr. CUMMINGS. There have been reports that the guerrillas have said that anyone who accepts U.S. money will become a potential military target. Have you heard that?

Mr. BEERS. Yes, sir.

Mr. CUMMINGS. In light of this information what's the United States doing to protect our humanitarian workers and their Colombian counterparts?

Mr. BEERS. The Ambassador in Colombia is responsible for all of the protection of all of the official Americans in Colombia. And let me focus first on that, because that's not the only issue. With respect to that, she has regular meetings or her deputy chief of mission have regular meetings to talk about, one, the general threat to official Americans in Colombia and, two, any specific information about specific threats.

As a result of that, there is a changing posture which can change within a few hours of receiving the information to say that an individual can go some place or cannot go some place, that individuals are in some place have to come back to a safer location in order to ensure their protection. In some cases that directly affects the ability for periods of time to deliver the programs that we've been talking about here, both on the humanitarian side and on the counternarcotics side. But we and she take very seriously the protection of official Americans.

In addition to that, and through the same structure, she has the ability to reach out to nonofficial Americans in Colombia. There is a network in order to get information out to nonofficial Americans in Colombia to tell them about changes in the threat environment, to tell them where places are safe and where places are not safe.

And then, third, we have the general notification process which says to the traveling American public what the dangers and risks are if you choose to travel to Colombia, for example, as a tourist. And Colombia is currently regarded as a place in which great caution should be exercised and most people should not consider going.

Mr. CUMMINGS. Just one last question, Brigadier General Huber, it's my understanding that in response to the increased U.S. presence in Colombia, drug traffickers and even the guerrillas have moved their operations to countries along the border. What is the U.S.'s response to the violence and the drug trafficking spreading in that region?

General HUBER. Sir, from U.S. Southern Command's perspective as I travel the region and talk to my military counterparts, they support the statement that you just made, that the police and the military of the neighboring countries have indeed repositioned and reinforced their borders in an attempt in coordination with the military of Colombia to contain the movement of the coca cultivation. As far as our response from my perspective, it is once again the training of those military units much like in our country, where

the military provides support to the law enforcement agencies in the matters of communication, transportation, training, enhance those capabilities.

Mr. CUMMINGS. Thank you. Thank you, Mr. Chairman.

Mr. MICA. Thank you. Pleased to recognize the gentleman from Massachusetts, Mr. Tierney.

Mr. TIERNEY. Thank you, Mr. Chairman. And thank you, members of the panel, for your testimony. Could I just ask—and it may be something that I missed—but are we anticipating in the next go-around there will be a waiver or certification on the human rights issues?

Mr. BEERS. Sir, I'm not in a position to predict precisely what would happen, but if you ask me where we are today we would have to waive again.

Mr. TIERNEY. We would have to waive again. We talked a little bit, Mr. Cummings asked about the progress of other participants in this plan. What about the status of money that Colombia was supposed to dedicate to this plan? According to the GAO report, they're a long way from identifying where they're going to get the \$4 billion that they're putting up. What's our progress in helping them do this?

Mr. BEERS. Sir, it's 3 years worth of money. And like this country, they appropriate on an annual basis. So to say that they haven't put all the money forward is to say that their process hasn't engaged in the second and third year yet.

Mr. TIERNEY. Do you feel they're fully committed at least to date?

Mr. BEERS. I feel that the President of Colombia and the Government of Colombia is fully committed to funding this. And we certainly will be in discussions with them about providing this. But is the funding identified? No, it's not.

Mr. TIERNEY. With respect to the Colombian National Police assuming control over the aerial eradication operations, what's the status on that? In the report they're indicating that there was some distance to go on that, that the plan had not been finally adopted by the Colombians and that we were still looking at a situation where we didn't know exactly what direction we were heading in.

Mr. BEERS. There are two parts to that process, sir. With respect to the discussions with the Government of Colombia the last draft of the nationalization plan remains with the Colombian National Police. And we have not received back from them their comments or final position with respect to the draft which we printed them some time ago.

Having said that, and in fairness to everybody concerned, we have not identified the money that would be necessary to support that process because what we are talking about is maintaining the current eradication effort, and on top of that, transitioning that eradication effort from on the coca side what is primarily an American contract-supported eradication effort to a fully Colombian eradication effort.

They fly a number of the planes, but we plan most of the missions and we fly most of the eradication aircraft but not the support aircraft in those missions.

With respect to the opium poppy effort, it is now entirely a Colombian National Police effort. What we need to do now is work

both of those issues in order to both ensure that we don't lose the effort that we are currently undertaking and planning to expand and at the same time increase the Colombian content to that effort. That is our objective and that's the direction we're moving in.

Mr. TIERNEY. Thank you. Have we done anything about our oversight down there? The reports here indicate that some of the helicopters might be used for purposes other than counternarcotics and some of the fuel, a substantial amount of the fuel provided for counternarcotics may have been misused. Are we tightening up on the oversight?

Mr. BEERS. Yes, sir. We have done two things with respect to the fuel. Let me comment on that first. We have set up—we asked for this IG investigation. And we welcome the indication that we needed to be doing a better job because that's—this is an important issue. What we have done first is try to make sure that we have an accurate and easily retrievable reporting system about each of the transactions. They were not done as they should have been done in the past. Part of that was the shortage of personnel, part of that was it simply wasn't attended to properly.

Second, we are hiring additional oversight personnel to make sure that, once, the data is available, we can in fact go back and interrogate that information and then go back to make sure that the information as delivered is in fact information that is real. So we take that as a serious charge to be dealt with and we have efforts under way to do that.

Mr. TIERNEY. I thank you. I will yield the balance of my time to Mr. Turner because I know we will be called for a vote pretty soon. I know he has some questions to ask, so I thank you.

Mr. MICA. Mr. Turner, please proceed.

Mr. TURNER. Mr. Chairman, I actually have a series of questions that I would be happy just to submit to Secretary Beers for the record and ask that they be answered and placed in as part of the record. And in the event the questions are beyond the scope of the State Department's knowledge, perhaps also I would ask that General Huber join in answering these questions. But they all relate to the procurement item, and I will be happy to submit them to have them answered as part of the record.

Mr. MICA. Without objection, we'll submit them and they will be part of the record. I ask the witnesses to respond. Did you have anything else Mr. Turner? Madam Ranking. Mr. Ose.

Well, I commented with Mrs. Mink that this has been a very frustrating experience for me over the past year, three-quarters. And she as ranking member, we've got an extremely difficult situation at hand and we seem to be taking one step forward and two steps back. And I would please ask the witnesses if there are any changes in timetables, anything that you've testified before today that between now and the beginning of next year you keep the subcommittee posted. We want to know if there are any changes in delivery of this equipment, any further delays, anything we can assist with.

Now the first money that was going down there, I think we called everyone in every 2 weeks the end of last year to try to make certain some of that moved forward. If we have to do that, we'll do that again. But we need to make certain that this is administered

and accomplished in the way Congress intended and effectively. So we're counting on you and we ask you to respond to us.

There being no further questions of this panel, I thank you and dismiss you at this time.

Let me call our third and final panel which consists of one individual. That individual is Mr. Andrew Miller, who is acting advocacy director for Latin America and the Caribbean for Amnesty International. If we could have Mr. Miller come up. Mr. Miller, this is an investigation and oversight subcommittee of the Government Reform Committee of the House of Representatives. In that regard we do swear in our witnesses. If you have a lengthy statement, and I believe I've been provided with a rather lengthy statement and some background information upon request of the Chair and the committee, the entire statement and background will be made a part of the record. So if you would, I request in that regard, if you would please remain standing and let me swear you in. Raise your right hand.

[Witness sworn.]

Mr. MICA. The witness answered in the affirmative. Thank you.

Mr. Miller, you're the only witness on this panel. Did you want this lengthy statement to be made part of the record?

Mr. MILLER. I would like for the lengthy statement to be made part of the record.

Mr. MICA. Without objection, so ordered and you are recognized. We won't run the clock on you but if you could summarize and provide your testimony to the panel, I know they would be grateful. Thank you and please proceed.

STATEMENT OF ANDREW MILLER, ACTING ADVOCACY DIRECTOR FOR LATIN AMERICA AND THE CARIBBEAN FOR AMNESTY INTERNATIONAL

Mr. MILLER. I would ask the chairman further that Human Rights Watch Amnesty International report that's attached to that to which I will be referring also.

Mr. MICA. That was also part of my request.

Mr. MILLER. Thank you very much. Chairman Mica, members of the subcommittee, I am very pleased to be before you today. I am especially pleased to not be a member of the Clinton administration, a high ranking member of the administration who is supposed to be implementing Plan Colombia.

I would just summarize my comments and I know your time is valuable and there are many things to do. I would like to address the human rights component of Plan Colombia, Amnesty International's concerns in Colombia.

Primarily, when we think about the Plan Colombia we're concerned about what impact this is going to have on the human rights situation and in particular what message this sends to the Colombian military about their human rights performance.

Going back many years, various international bodies, the United Nations and American Commission on Human Rights, Amnesty International, have been making detailed recommendations about what concrete steps need to be taken in order for human rights to be improved in Colombia. And unfortunately to date very few, if any, of those recommendations have been implemented by the Co-

Colombian state. And from the perspective of Amnesty International this highlights a lack of concrete political will to implement human rights in that country.

Considering the U.S. military aid going to Colombia, we're concerned that aid itself might be involved in the commission of human rights violations or might be supporting military units who operate in the same area as the paramilitary units that work hand in hand. Amnesty International and many other organizations have extensively and overwhelmingly documented the links, the historic links and the current links between the Colombian military and paramilitary organizations.

Along that line, we would like to mention considering the counternarcotics focus of the Plan Colombia that there are multiple groups within Colombia implicated in drug production, drug trafficking, etc., and as indicated in the GAO report, the paramilitaries are included in that group. So we're very concerned in addition to the human rights concerns that the plan itself focuses on one actor in a multiplicity of actors. And if indeed the objective is to eradicate drugs, etc., focusing on armed opposition groups solely and not on other actors that are seated with the state will not obtain that objective.

Now this concern has been expressed by members of this committee for some time now. I believe the issue came about in committee, a subcommittee hearing in August of last year. Representative Mink submitted questions for the record. It again emerged in February of this year. And unfortunately, questions that have been put forth to the Clinton administration about the role of paramilitary groups and drug trafficking, drug production have not been answered to date.

Now, one part of our testimony, and I believe you all have copies of a document which Amnesty International obtained through a Freedom of Information Act request, which indicates that as far back as 1993 the Defense Intelligence Agency Counternarcotics Division knew that main paramilitary leaders were heavily implicated in the drug trade and that in fact the Colombian state enthusiasm about going against them would be lessened by the fact that these paramilitary groups had similar goals, similar counterinsurgency goals fighting the Colombian guerrillas. We believe that this document has got to be simply the tip of the iceberg in terms of information between the Defense Intelligence Agency, between the DEA, the CIA and other intelligence gathering organisms of the U.S. Government. This has got to be the tip of the iceberg in terms of information that is known about the role of paramilitary groups in drug trafficking and human rights violations.

So we're somewhat concerned by the fact that the administration has not responded to those questions, and we would hope that this subcommittee would continue pushing forward demanding answers to those.

In closing, I'll simply say that in terms of the certification process that was congressionally mandated Amnesty International participated in that. We put together a joint document that we're submitting for the record and we outlined concrete steps that should be taken immediately by the Colombian state that would have a positive impact toward protection of human rights in Colombia. In

particular, those steps are investigating people for whom there are credible allegations both within the Colombian military, Colombian military groups, armed opposition groups, carrying out civilian investigations into those individuals, suspending them if they're military, not dismissing them, arresting them if they're paramilitary armed opposition, holding those trials in civilian courts and actually sending them to jail.

One indicator of Colombian state political will to address human rights violations is whether or not there are high level Colombian military officials in jail, because we know that some of them are the intellectual authors of political violence in Colombia that goes back decades. They're well known paramilitary leaders who operate openly. They appear on television. It's known where they are. It's known where they live. The state doesn't go after them. So once we see these individuals, trials, credible trials against them, those individuals in jail, that will be an indication that Colombia indeed has the will. Until that time Amnesty will continue to be very concerned about the human rights situation in Colombia and in fact will continue to expose the military component of Plan Colombia.

At this time I would happy to take questions.

[The prepared statement of Mr. Miller follows:]

**ANDREW MILLER
ACTING ADVOCACY DIRECTOR FOR LATIN AMERICA AND THE CARIBBEAN
AMNESTY INTERNATIONAL USA**

**UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY, AND HUMAN
RESOURCES**

12 OCTOBER 2000

STATEMENT FOR THE RECORD

Chairman Mica and members of the subcommittee: It is my distinct pleasure to appear before you today in order to testify on issues surrounding U.S. support for Plan Colombia. Amnesty International, as the world's largest grass-roots human rights organization with over one million members globally, 300,000 of which are in the United States, welcomes the opportunity to comment on policies which have important human rights implications.

The human rights situation in Colombia has received attention here on Capitol Hill and elsewhere since proposals emerged in 1999 to drastically increase United States bilateral assistance that country, the majority going to its security forces. Amnesty has been and remains very concerned about the impact of this aid on the deteriorating human rights panorama in Colombia. What message does approval of the military assistance send to the Colombian armed forces –long implicated in serious and systematic violations of human rights- when they have not made significant progress in the area despite sustained pressure over the years from the international community? Will the military assistance itself directly contribute to further human rights violations? What concrete guarantees exist to ensure that it does not?

The work of Amnesty International is based on almost forty years of monitoring human rights violations. The organization has developed a solid track record of credible information and analysis which is second to none. We hope the subcommittee will take our views into serious consideration in this and future discussions on the impacts of U.S. policy in Colombia.

The General Human Rights Situation in Colombia

Amnesty International has followed the human rights situation in Colombia with growing concern since the 1970's, when the organization's main concerns were torture, ill-treatment, unfair trials for political prisoners, and the imprisonment of prisoners of conscience. During the 1980's, the pattern of human rights violations changed dramatically towards increasing numbers of political killings, "disappearances", and massacres carried out by the Colombian military forces and, increasingly, by their paramilitary allies.

Amnesty has also denounced abuses of international humanitarian law carried out by Colombia's armed opposition groups, primarily the Revolutionary Armed Forces of Colombia (FARC), the Army of National Liberation (ELN), and the Popular Liberation Army (EPL). Abuses committed

by these groups include forced recruitment of minors, threats, abductions, “disappearances”, selective killings, and massacres, among others.

As documented by our 2000 report, over the course of 1999 serious human rights violations increased against a background of continuing escalation of the long-running armed conflict. The parties in the conflict intensified their military actions throughout the country leading to widespread violations of human rights and international humanitarian law. The principal victims of political violence continued to be civilians, particularly community leaders, living in areas disputed between government forces and allied paramilitaries, and armed opposition groups. Trade unionists, political and social activists, academics, human rights defenders, judicial officials, church workers and journalists were among those targeted.

In 1999, more than 3,500 people were victims of politically motivated violence, scores “disappeared” and an estimated 250,000 people were forced to flee their homes. At least 1,000 people were kidnapped by armed opposition groups and paramilitary organizations and held for ransom or for political reasons. Mass kidnappings of civilians by armed opposition groups increased. Torture — often involving mutilation — remained widespread, particularly as a prelude to murder by paramilitary forces. Children suffered serious human rights violations, particularly in the context of the armed conflict. “Death squad”-style killings continued in urban areas. This bleak scenario continues in 2000.

Amnesty International on Plan Colombia

Amnesty International is opposed to the military aspects of Plan Colombia. Given what we know about the human rights situation in Colombia and in particular in Southern Colombia, we believe that the increased military funding to Colombian units in Putumayo and Caquetá will transform what is currently a worrying situation into a human rights and humanitarian catastrophe. Sadly, we believe this will include further selective killings, massacres, and massive displacement of the civilian population as it flees such violence.

Specifically:

- 1) Amnesty International believes that the military aid program for Colombia will escalate the armed conflict and the human rights crisis. The organization has documented overwhelming evidence of the responsibility of illegal paramilitary organizations for widespread, systematic, and gross human rights violations. There is also conclusive evidence that paramilitary groups continue to operate with the tacit or active support of the Colombian armed forces.
- 2) Evidence has emerged that Colombian army personnel trained by US Special Forces have been implicated by action or omission in serious human rights violations, including the massacre of civilians. One prominent example is the 1997 massacre at Mapiripán. Military equipment provided by the US to the Colombian armed forces has reportedly been used in the commission of human rights violations against civilians. Amnesty International does not believe that mechanisms are in place to ensure that future weapons transfers to the Colombian armed forces will not be transferred to illegal paramilitary organizations or will not be used by the military to facilitate human rights violations by paramilitary or their own forces. As long as the Colombian government fails to disband paramilitary groups allied with the Colombian armed forces, US military aid to the Colombian armed forces inevitably risks exacerbating the human rights crisis.

- 3) Amnesty International is also concerned that paramilitary organizations may be employed as part of the military strategy contemplated in Plan Colombia. Although a formal role is not acknowledged in Plan Colombia, their recently established presence in key areas targeted for military operations (Putumayo department and the Catatumbo region of North Santander) would appear to be more than coincidental. The paramilitary strategy of attacking and eliminating civilian organizational and grassroots structures is designed to anticipate and prevent any organized opposition to the military eradication of illicit crops. This concern is heightened by recent public statements in favor of Plan Colombia by paramilitary leaders such as Carlos Castaño and Commander "Yair".
- 4) The human rights assistance component of Plan Colombia is inadequate and largely misdirected. It fails to address the principal causes of the human rights crisis identified by the United Nations and other international bodies including the root causes of impunity and the need to combat illegal paramilitary organizations. Unless the Colombian government adopts international recommendations and acts on these two key fronts, human rights programs contained in Plan Colombia will be little more than cosmetic.
- 5) Military operations contemplated in the Plan anticipate the internal displacement of tens of thousands of Colombians thereby aggravating an existing humanitarian crisis of alarming proportions. Moreover, humanitarian assistance programs for internally displaced persons fail to address the causes of displacement and are merely designed to mitigate its consequences and thereby reduce the visibility of the internally displaced, including those people displaced as a consequence of the Plan's military operations.
- 6) The framework for international support for human rights in Colombia must be the recommendations made by the United Nations High Commissioner for Human Rights and other UN human rights mechanisms. In particular the international community should ensure that programs it supports form part of a clear government policy to address key issues such as impunity and the dismantling of paramilitary organizations. Respect for human rights is an essential pre-requisite to achieving a negotiated resolution of the armed conflict. Only by ensuring that fundamental civil and political rights are protected can Colombia hope to achieve genuine national reconciliation based on peace and justice.

Case Study: Putumayo

Looking at the southern state of Putumayo, the epicenter of the "Push into Southern Colombia", one can see the recipe for a human rights disaster. One ingredient includes the increasing paramilitary presence in the zone over last three years, especially in urban areas and villages such as Puerto Asís, El Placer, Valle de Guamez, La Hormiga, and Mocoa.

As justification for the Plan Colombia funding, some have argued that a strengthened state presence is an element necessary for the confrontation of paramilitary activity in the region. Interestingly, the paramilitaries are most prominent precisely in the locales of Putumayo which have the heaviest military and police presence. In particular, the 24th Brigade of the Colombian National Army, based in Santa Ana, is known to, at best, turn a blind eye to the paramilitaries and, at worst, potentially plan joint operations with them. The Brigade has been credibly implicated in aiding and abetting several paramilitary massacres in 1999.

On 9 January 1999, 26 people were massacred in El Tigre, Putumayo. On this date roughly 150 paramilitaries traveled from Puerto Asís to El Tigre, both sites of National Police stations. They

pulled dozens of people out of their houses, taking them to the village's central plaza where the paramilitaries carried out the executions, "disappeared" 14 more individuals, and burned various houses. Reportedly, that same night troops of the 24th Brigade established a strategic checkpoint to block traffic leaving Santa Ana, offering free access for the paramilitaries along the road between Puerto Asís and El Tigre.

Later that year, on the 7th of November, at least another 12 civilians were killed by paramilitaries in El Placer, Putumayo. On that evening roughly 50 heavily armed paramilitaries traveled to El Placer from Puerto Asís, pulling people out of their houses and shooting them dead in the fields surrounding the village. According to witnesses, the 24th Brigade was in the town several days before the incursion but left. The army soldiers then returned several hours following the massacre.

Putumayo is home of one of Colombia's most infamous paramilitary bases, the ranch known as "Villa Sandra". Villa Sandra is located roughly three kilometers north of Puerto Asís on the road toward Santa Ana. Reportedly, in order to arrive at the ranch one simply needs to get in a taxi in the town and request to be taken to the paramilitaries. Though the existence and location of this paramilitary base is well known in the region, the authorities have taken no effective action to arrest those found there or to dismantle the base.

In addition to the growing paramilitary presence and activity, the guerrillas of the FARC's 48th Front are reportedly preparing for a stepped-up conflict. According to local witnesses, this includes mass forced recruitment of minors and arming the civilian population, both infractions of international humanitarian law.

Paramilitary Groups and Drug Trafficking

An additional reason why Amnesty International opposes US military funding for Colombia is that the Administration does not seem to recognize the deadly contradictions of Colombian reality. On the one hand, the Administration states that this program is to combat narco-trafficking; on the other hand, the Administration states that this aid will force more good faith from the armed opposition groups in the negotiating process. The theory is that since armed opposition groups derive financial support from their involvement with the drug trade, attacking the drug trade will eliminate this source of support and put pressure on the armed opposition groups.

This scenario ignores the central fact that drug traffickers are not only equal opportunity corrupters (having not only allegedly reached the Presidency but also the head of the US military group in Colombia!), but are involved with paramilitary groups, which work closely with the Colombian armed forces.

On August 12, 1999, Amnesty International posed several questions that Congresswoman Mink put in the August 6 Subcommittee hearing record, about the involvement of paramilitary groups with the drug trade. The Drug Enforcement Administration had not only stated at this hearing and on prior occasions that this involvement existed but that some paramilitary leaders were drug traffickers themselves. By the time a second hearing on Colombia was held, on February 15 of this year, the DEA had not responded to those questions. As far as we know, the questions have yet to be answered.

We believe the questions are important because until the Colombian Army truly breaks its links with the paramilitary groups, the US government is shooting itself in the foot by helping the army, if fighting narco-trafficking is what this aid is really all about. It makes no sense to aid the army fight drugs when their principal allies –the paramilitaries- are deeply implicated in the drug trafficking themselves.

In response to a Freedom of Information Act request from Amnesty International USA, the Defense Intelligence Agency released a document, prepared by its Counterdrug Division, which states in its concluding paragraph:

“... [Fidel] Castano’s [sic] drug trafficking activities provide him the financing necessary to further an anti-left agenda, which he began in 1981 following his father’s death while in guerrilla captivity. Castano [sic] has since led several paramilitary operations against such leftist groups as insurgents, political parties, and labor unions. A Colombian court sentenced Castano [sic] in absentia to 20 years for mass killings of peasants and farm workers under his control. How actively the [Government of Colombia] pursues Castano [sic] may depend more on how his paramilitary agenda complements Bogota’s counterinsurgent objectives rather than on his drug trafficking activities.”

This declassified document spells out in black and white the deadly contradiction of the Colombian reality, recognized by the U.S. government as early as 1993. It is imperative that the questions about paramilitary activity and involvement in narco-trafficking be answered, so that clarity can be achieved in this crucial aspect and U.S. policy can reflect them accordingly.

Military / Paramilitary Links in Colombia

Some U.S. and Colombian officials claim that links between the Colombian military and paramilitary death squads are simply “isolated cases” and not representative of the panorama as a whole. To the contrary of such statements, Amnesty International and numerous other organizations have extensively documented that these ties are in fact the norm in most, if not all, of the areas of the country where the paramilitaries currently operate. The truly ‘isolated cases’ are those in which the paramilitaries are pursued by the authorities, those in which the architects of paramilitary violence – known leaders such as Carlos Castaño- have been investigated, arrested, tried in civilian courts, and are serving lengthy prison sentences.

Following are several examples of regions where military / paramilitary links have either been historically strong or have manifested themselves in recent years as paramilitary groups expand their range of operations eastward and southward from their traditional stronghold in Colombia’s northwest.

- Region of Urabá: Paramilitary groups continue to move unimpeded through the major arteries of transportation in the zone, such as the highway through the “Banana Axis” of northern Antioquia and along the Atrato River in northern Chocó. One example is the case of Diana Salamanca, a human rights worker who was abducted by paramilitaries in November of 1999. She was taken from Dabeiba, Antioquia transported northward through various military and police checkpoints, and eventually released in Necoclí, Antioquia. The paramilitaries regularly carry out selective killings and massacres in close proximity to the security forces, such as the recent cases in San José de Apartadó (19 February 2000), which I personally witnessed, and La Unión (8 July 2000)

- Department of Bolívar: In recent years the paramilitaries have drastically increased their presence in Bolívar, especially in the southern part of the department. In that time there have been extensive reports of paramilitary actions carried out with military acquiescence, such as the 16 May 1998 massacre in Barrancabermeja and the 18 – 20 February 2000 massacre in El Salado. We were pleased that the Congressional Human Rights Caucus distributed our 1999 report on the Barrancabermeja massacre, “City under siege”, to all members of congress. Representative Schakowski recently circulated a Dear Colleague letter highlighting the threats and attacks in the region against human rights defenders and we continue to receive reports of further violence against them.
- Department of Norte de Santander: The 29th of May, 1999 marked the entrance of paramilitary groups into the zone. Since that date, attack after attack has been carried out against the civilian population in sites such as Tibún (July 1999 and April 2000), Filo Gringo (March 2000), and El Tarra (November 1999 and January 2000). In many cases, both national and international human rights groups have advised the authorities to the strong signs of impending attacks, to little avail.
- Department of Valle del Cauca: Valle has a long history of paramilitary activity carried out with the collaboration of the Colombian military and drug trafficking groups. The Trujillo massacres of the early 1990’s are one manifestation of this alliance. Since the summer of 1999, paramilitary presence has exploded in the form of the Calima Front, which was established -according to Colombian government investigators- in conjunction with the Colombian Army’s 3rd Brigade following the ELN’s mass kidnapping from the La María church in Cali.
- Putumayo: See case study above

The Effects of Plan Colombia and the “Push into Southern Colombia”

One question that will play a critical role as U.S. funded plans are implemented in Southern Colombia and other areas will be what is the impact of those plans? This question is obviously important in any evaluation of whether or not these policies have met any specific objectives that might have been outlined previously. Specifically, Amnesty International is interested in what the impact is on human rights and therefore how the U.S. government is going to monitor potential violations that are carried out by the new Counter Narcotics Battalions or paramilitary groups operating in the same areas.

To date, despite direct inquiries to State Department and Embassy officials about how human rights monitoring will be carried out, Amnesty International has not seen a credible plan. The U.S. Congress must play a critical role in this arena. To this end, Amnesty International recommends that certain measures be mandated by the Congress, listed below.

It has been claimed that further monitoring, reporting requirements, and human rights conditionality are unnecessary given the existence of the Leahy Law. This provision to some foreign military transfers mandates that specific military or police units cannot receive U.S. military aid or training as long as a) there are credible allegations leveled against them of human rights violations and b) the unit is not taking corrective actions. Amnesty International has expressed its concerns about limitations of Leahy Amendment unit and vetting in Colombian context. These include the following points:

- The Leahy provisions do not take into account the paramilitary phenomenon, in which political violence is essentially “outsourced” from the Colombian military to their paramilitary allies.

- Though these vetted units and individuals might not have histories of violating human rights, there are no guarantees that they will not use what they have learned and do so in the future. Where will the individual special forces soldiers be in five or ten years? Will they be transferred to another unit that does have problems with human rights or collaboration with paramilitary groups? Will they simply leave the official forces and join the paramilitaries as a commander?
- Information sharing is an issue of particular concern, since information is extremely difficult, if not impossible, to track or control. How do we know that information being passed from U.S. military sources is not being used to carry out selective assassinations, massacres, or massive displacement of the civilian population? The answer is we don't.
- The Leahy process has not been transparent.

It is worth mentioning that Plan Colombia also has implications for the deteriorating human rights situation throughout Colombia. Amnesty International is tremendously concerned that this aid will send the signal to the military authorities that simply instituting savvy public relations efforts will be sufficient in their quest to secure external political and military support. Should they come to this conclusion, there will be little incentive for them to take the concrete actions necessary to attack impunity for human rights violations and address the root causes of those violations.

At this very moment we are seeing a distinct "closing" of the space for human rights activism and other alternatives to the conflict, such as the church-supported Community of Peace model. This particular deterioration can be seen in the 6 October 2000 abduction of two members of Asfaddes (the Association of Families of the Detained and "Disappeared") in Medellín, even more recent threats against the Popular Training Institute, another human rights group in Medellín, and systematic threats and attacks being carried out against the Community of Peace San José de Apartadó in Antioquia.

Special Concern for Amnesty International: Indigenous Groups in Putumayo

It is only appropriate today on the 12th of October, Indigenous People's Day, that I would express a special concern that Amnesty has around the protection of indigenous peoples in Putumayo. These diverse groups have lived in the region for thousands of years and some have expressed their distinct interest in staying out of the armed conflict. Amnesty International is interested in discussing what particular plans the administration has to protect these groups and to support their option to stay neutral before the armed actors. Indeed, this is a concern that violated time and again in Colombia, that is to say attacks are regularly carried out against the noncombattant civilian groups. What plans are being formulated to protect the close to 100 indigenous villages in Putumayo and Caquetá?

Concrete Improvement on Human Rights

When asked to outline the improvement that the Colombian States has made on human rights fronts, some U.S. and Colombian officials have offered answers that fall into the following categories.

The first category is that of vague assertions to the effect that the Colombia's human rights performance is improving, without offering substantiating evidence. Numerous organizations have extensively documented the Colombian State's patent lack of political will to take actions

within its power towards protecting human rights. Given this consensus among credible and internationally-recognized human rights groups, the burden of proof is on any party which makes claims to the contrary.

Another tactic is to offer statistics claiming that in recent years dozens of paramilitaries have been killed in combat and that hundreds of others have been captured and jailed. In some cases it has been argued that there is actually a higher percentage of the overall paramilitary population in jail than guerrillas, which ostensibly proves that the Colombian State is in fact persecuting the paramilitaries to a greater degree than the guerrillas. Amnesty's concerns here are multiple:

- The first question raised by these statistics is what are the details of all these cases individually? Exactly who was killed or arrested, when, where, and under what circumstances? What proof does the Colombian State have that these individuals belonged to paramilitary organizations? The lack of concrete information put forth on these cases to date calls into question the credibility of these claims.
- Even assuming that all these individuals included in the statistics were indeed associated with paramilitary groups, their capture or killing has little impact on the organization as long as the groups' intellectual architects and leaders remain free to operate without fear of being brought to justice.
- It is also worth mentioning a phenomenon, known as "legalization", which has been well-documented in the Colombian context. In numerous cases civilians have been killed extrajudicially by militaries or paramilitaries, subsequently dressed up in military fatigues, and ultimately presented by the official forces as "deaths in combat". This was done historically and continues to be done in order to cover up illegal killings and to demonstrate artificially high kill rates against the armed opposition groups. Chillingly, Amnesty International has received reports of "legalization" cases in which the victims are presented not as guerrillas but instead as paramilitaries killed in supposed combat between paramilitary groups and the security forces. This phenomenon also raises questions about the credibility of official statistics regarding both guerrillas and paramilitaries captured or killed in combat and underscores the need for detailed reporting on these cases.

Perhaps the most seemingly convincing response is to enumerate the various General-level Colombian army officers who have been dismissed in recent year for alleged human rights violations and connections to paramilitary groups. These includes Generals Rito Alejo del Río, Fernando Millán, Bravo Silva, and Jaime Uscátegui.

On this point, Amnesty International is unequivocal: Dismissal is an entirely unacceptable resolution to allegations of human rights violations or ties with paramilitaries groups. The procedure, as recommended repeatedly by human rights experts, is immediate suspension, civilian investigation, civilian trial, sentencing, and substantial jail time for those found guilty.

How the Colombian State should go about improving human rights is an unambiguous and well-understood process. The basis can be found in years of recommendations offered by the human rights experts at the United Nations and Inter-American Commission of Human Rights, in addition to those at such groups as Amnesty and Human Rights Watch, plus numerous Colombian human rights NGOs. Following are some specific indicators that would indicate a real political will to improve the human rights situation in Colombia.

- Incarceration of high-ranking (Colonel and General level) Colombian military officers serving significant sentences following immediate suspension after credible allegations of

involvement in HRVs or collaboration with paramilitary organizations, a full and impartial investigation by civilian authorities, a prompt and transparent trial in civilian courts, and sentencing commiserate with the severity of their crime;

- Incarceration of known paramilitary and armed opposition leaders serving significant sentences following a full and impartial investigation by civilian authorities after credible allegations of involvement in planning, ordering, and/or committing HRVs or infractions of International Humanitarian Law, capture by authorities with full cooperation of the security forces, a prompt and transparent trial in civilian courts, and sentencing commiserate with the severity of their crime;
- Dismantling of known paramilitary bases, such as Finca "Villa Sandra";
- Carrying out all human rights investigations and trials under civilian jurisdiction, with the full cooperation of the security forces; and
- Protection of human rights defenders and others at risk, fundamentally through efforts to end impunity for human rights violations.

Proposal to Congress for Monitoring and Reporting Requirements

Amnesty International USA believes that the administration should maintain the Congress well informed of U.S. funded activities in southern Colombia and elsewhere. Therefore, we propose the following mechanisms:

- 1) **NOTIFICATION:** the relevant Congressional Committees should be notified by the Administration of any proposed training and transfer of equipment or other aid, including services by U.S. contract personnel. This should include specific details of content, as well as steps taken and results of any screening per the Leahy Law restrictions. Furthermore, this notification should be accompanied by information of any paramilitary activity in the proposed areas of operation of the unit slated to be trained, equipped, or otherwise assisted.
- 2) **MONITORING:** Funds should be made available to ensure thorough end use monitoring, both of counternarcotics and human rights performance of any unit in any way assisted by the U.S. government or contract personnel. These funds could be a percentage of total assets programmed for security forces activity. In this aspect we support the Human Rights Investment Act, recently introduced by Chairman Gilman and Ranking Member Gejdenson.
- 3) **REPORTING:** No later than 6 months and every six months thereafter, the administration should present to Congress a clear report of actions taken by any U.S. supported or trained units, including specific details of counternarcotics operations and any armed clashes. Details should include place of clash, identity of opponents, names of any casualties. This reporting should also include information about paramilitary activity in any area of operation of U.S. supported units.

Benchmarks as Outlined in the Amnesty International / Human Rights Watch / Washington Office on Latin America Joint Report

The following benchmarks were presented to the State Department on 18 August 2000 during discussions as per the non-governmental organization consultation aspect of the Congressionally mandated human rights conditions to Plan Colombia. They were made public on 28 August, when included as part of the report, "COLOMBIA: Human Rights and USA Military Aid to

Colombia,” published jointly between Amnesty International, Human Rights Watch, and the Washington Office on Latin America.

These lists are initial and by no means exhaustive. They will be expanded in future evaluations of the human rights conditions.

Active duty military officers who should be investigated and, where appropriate, detained pending a trial in civilian courts:

- General Rodrigo Quiñones, Commander, Navy’s 1st Brigade
- General Carlos Ospina Ovalle, Commander, 4th Division
- Brigadier General Jaime Ernesto Canal Albán, Commander, 3rd Brigade
- General Jaime Humberto Cortés Parada, Inspector General of the Army
- General Freddy Padilla León, Commander of the 2nd Division

Dismissed or retired officers who should be investigated and, where appropriate, detained pending a trial in civilian courts:

- General (ret.) Rito Alejo del Río, former Commander, 17th Brigade
- General (ret.) Fernando Millán, former Commander, 5th Brigade
- General (ret.) Jaime Uscátegui, former Commander, 7th Brigade
- General (ret.) Bravo Silva, former Commander, 5th Brigade
- Major Jesús María Clavijo, 4th Brigade
- General (ret.) Farouk Yanine Díaz

Known paramilitary leaders who should be investigated, detained, and tried in civilian courts:

- Carlos Castaño Gil
- Fidel Castaño Gil
- Alexander “El Zarco” Londoño
- Julian Duque
- Gabriel Salvatore “El Mono” Mancuso Gómez
- Ramón Isaza Arango
- Luis Eduardo “El Aguila” Cifuentes Galindo
- Diego Fernando Murillo Bejerano

Conclusion

In the Colombian case, U.S. and Colombian officials and politicians are not lacking in public expressions of support for human rights. What is often absent, however, is the real political will to carry out the necessary concrete actions to operationalize that expressed commitment. Until Amnesty International sees that will, as manifested by the rigorous implementation of international recommendations on human rights, we will continue to oppose military aid to Colombia in all its forms.

With that I conclude my remarks and make myself available to any questions that members of the sub-committee might have.



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“Outsourcing” Political Violence: A Chronology of Military / Paramilitary Collaboration in Colombia

Instead of overtly waging the dirty war themselves, as in the past, the Colombian military often allows its paramilitary allies to operate freely, carrying out the selective killings and massacres of hundreds of unarmed civilians each year. The military officers directly responsible for political violence or conspiracy to carry out such actions with their paramilitary allies are rarely, if ever, investigated, charged, and brought to justice for their crimes. In some cases, such as that of now-General Rodrigo Quiñonez Cárdenas -the “unequivocal” (according to the Colombian Attorney General) intellectual author of death squads in Barrancabermeja- they are instead promoted.

8 July 2000: Massacre of six members of the Community of Peace San José de Apartadó in La Unión, department of Antioquia. Roughly 20 armed, uniformed, and masked men entered La Unión, rounded up the community members, and executed six men. The gunmen accused the community of being “guerrillas” and threatened to return in 20 days if everyone did not leave. Witnesses say that while the massacre was in progress, there was a strong military presence in the immediate area, including a military helicopter that was reportedly flying overhead at the time.

Implicated military unit: Army’s 17th Brigade, based in Carepa, Antioquia.

6 April 2000: Massacre of 21 internally displaced individuals in the town of Tibú, department of Norte de Santander. The paramilitaries reportedly went into Tibú, dragged people from their homes and shot them in front of their families. The paramilitaries were free to go into and leave Tibú despite many warnings to the security forces of the increased presence of paramilitary forces in the area. The government and armed forces failed to protect the community despite these warnings and despite the fact that military troops were based less than one kilometer away.

Implicated military unit: Army’s “Heroes of Saraguru” Battalion, part of the 5th Brigade

19 February 2000: Massacre of five unarmed civilians in the Community of Peace San José de Apartadó, department of Antioquia. A number of massacre witnesses reported seeing the insignia of the Army’s 17th Brigade on the gunmen’s uniforms. Before this attack a large number of Army troops were sighted in La Balsa, a community on the road between San José de Apartadó and Apartadó. The 20 gunmen were seen in military uniforms a short distance down the road from Army troops. The General of the 17th Brigade was personally informed of the massacre while it was happening, yet troops did not arrive for over three hours.

Implicated military unit: Army’s 17th Brigade, based in Carepa, Antioquia.

18 February 2000: Massacre of dozens of civilians in El Salado, department of Bolívar. Entering on Friday the 18th and leaving Sunday the 20th, some 300 paramilitary members killed at least 46 townspeople, including a 6 year-old girl and an elderly woman. Despite pleas to intervene, the regional military set up a roadblock and prevented humanitarian workers from entering the area. Admiral William Porra, 2nd in command of the Navy, continues to claim that the deaths were a result of combat, not of the executions related by dozens of witnesses.

Implicated military unit: Navy’s 5th Marine Battalion, of the 1st Brigade

Amnesty International is an independent worldwide movement working impartially for the release of all prisoners of conscience, fair and prompt trials for political prisoners and an end to torture and executions. It is funded by donations from its members and supporters throughout the world.

EXECUTIVE DIRECTOR
William F. Schulz

7 November 1999: Massacre of at least 12 civilians in El Placer, department of Putumayo. On this evening roughly 50 heavily armed paramilitaries traveled to El Placer from Puerto Asís, pulling people out of their houses and shooting them dead in the fields surrounding the village. According to witnesses, the 24th Brigade was in the town several days before the incursion but left. They then arrived several hours following the massacre.

Implicated military unit: Army's 24th Brigade, based in Santa Ana, Putumayo.

29 May 1999: Massacre of 25 individuals in La Gabarra, department of Norte de Santander. This massacre marks the arrival into the zone of a group of roughly 400 paramilitaries. This incursion was announced in advance by paramilitary leader Carlos Castaño and denounced ahead of time by Colombian human rights groups. The security forces did nothing to stop them. Since this date, there have been numerous paramilitary incursions, selective killings, and massacres in the region with little or no state intervention.

Implicated military unit: Army's 5th Brigade, based in Bucaramanga, Santander

9 January 1999: Massacre of 26 people in El Tigre, department of Putumayo. On this date roughly 150 paramilitaries traveled from Puerto Asís to El Tigre, the site of a National Police station. They pulled dozens of people out of their houses, taking them to the village's central plaza where the paramilitaries carried out the executions, "disappeared" 14 more individuals, and burned various houses. Reportedly, troops of the 24th Brigade established a strategic checkpoint to block traffic leaving Santa Ana, offering free access between Puerto Asís and El Tigre.

Implicated military unit: Army's 24th Brigade, based in Santa Ana, Putumayo.

16 May 1998: Massacre of seven men and "disappearance" of 25 other residents of Barrancabermeja, department of Santander. On this evening a large paramilitary force entered the city and rounded up residents in a number of the poorer districts, killing several on the spot and forcibly abducting others. A military checkpoint established the day before was inexplicably retired shortly before the paramilitary force passed by the same spot before beginning the assault.

Implicated military unit: Army Battalions #45 "Heroes de Majagual" and "Los Guanos", based in Barrancabermeja, Santander

15 – 20 July 1997: Massacre of several dozen people in Mapiripán, department of Meta. Paramilitary forces reportedly flew from Apartadó, Antioquia to San José del Guaviare, site of the Colombian Army Special Warfare School where U.S. Special Forces offer military training. From the town they traveled downriver to Mapiripán to carry out five days of torture and killings. Following the massacre, they returned to San José del Guaviare and flew away unimpeded.

Implicated military unit: Army's 2nd Mobile Unit, based in San José del Guaviare

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COLOMBIA
Human Rights and
USA Military Aid to Colombia

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COLOMBIA

Human Rights and USA Military Aid to Colombia

Introduction

On July 13, 2000 United States President Bill Clinton signed Public Law 106-246, which included \$1.3 billion in aid to Colombia. The bulk of this aid is for Colombia's military.

Section 3201 of the law establishes specific human rights conditions for military assistance to Colombia, included in this document as Appendix A.

As required by law, the State Department held consultative meetings with non-governmental organizations (NGOs) in both Washington, D.C. and Bogotá, Colombia. On August 17 and 18, various human rights organizations, including the Washington Office on Latin America (WOLA), Human Rights Watch, and Amnesty International, met with officials of the State Department and other US governmental departments and agencies in Washington, D.C. to discuss Colombia's compliance with these conditions.

The following document outlines the evidence presented jointly by WOLA, Human Rights Watch and Amnesty International. All three organizations concluded that there was overwhelming evidence demonstrating that Colombia has not met these conditions.

On August 22, 2000, President Clinton invoked Section 4 of the law, waiving the human rights conditions on the grounds of U.S. national security interests. We deplore this decision.

In this report, we set out each of the human rights conditions mandated by Congress and then review the record of the Colombian government and military.

This document is jointly published by Amnesty International, Human Rights Watch and the Washington Office on Latin America.

Certification**CONDITION (A)(i): Civilian Court Jurisdiction**

This condition requires:

"(A) (i) the President of Colombia has directed in writing that Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights will be brought to justice in Colombia's civilian courts, in accordance with the 1997 ruling of Colombia's Constitutional court regarding civilian court jurisdiction in human rights cases;"

This condition has not been met.

A directive that meets this standard has not been issued.

Colombian Political and Judicial Context

On August 5, 1997, Colombia's Constitutional Court, the highest constitutional authority in the country, ruled that all cases involving alleged human rights violations, including those that involve security force personnel, must be heard by civilian courts (Sentence No. C-358/97). In its ruling, the court noted:

The simple fact that [a security force member] is on active duty does not exempt them from being subject to the criminal code. The prerogatives and official nature that members of the public force are endowed with lose all relation to their service when they are deliberately used to commit common crimes, which do not cease being common crimes simply because this state agent has used the aforementioned prerogatives and official nature [to commit them].

The Court established rules for determining when, on an exceptional basis, conduct by active-duty members of the military or police may be considered a service-related act subject to the jurisdiction of the military courts, in accordance with Article 221 of the Constitution. The Court said:

[F]or an offense to come under the jurisdiction of the military criminal courts there must be a clear nexus of origin between it and the activity of the service, i.e., the punishable act should come about as an overstepping of the bounds of or abuse of authority in the context of an activity directly linked to a proper function of the armed institution The excess or exceeding of authority must

take place during the performance of a task that itself constitutes a legitimate development of the missions of the Military Forces and the National Police.

The Court added:

[T]he link between the criminal act and the service-related activity is broken when the offense is extremely grave, as is the case of what are known as crimes against humanity. In these circumstances, jurisdiction in the case must be conferred on the regular courts, given the total contradiction between the offense and the constitutional missions of the Military Forces and National Police.

In Colombia, under Article 243 of the Constitution, the rulings of the Constitutional Court are binding and obligatory.¹

However, in numerous cases, some outlined below, military judges have abused this mechanism and flouted the law by challenging civilian jurisdiction in cases that clearly involve credible allegations of human rights violations by security force officers. This is one of the cornerstones of impunity in Colombia. Repeatedly, military judges use the specious argument that the case belongs before a military tribunal solely because the accused is a member of the armed forces and was on duty at the time of the alleged crime. In other words, any criminal act becomes an "act of service" simply because the accused was wearing a uniform or was on active duty.

Unfortunately, the Superior Judicial Council (*Consejo Superior de la Judicatura, CSJ*), charged with resolving these disputes, has traditionally demonstrated bias in favor of the military justice system in defiance of the Constitutional Court. Far from moving to enforce the law, President Pastrana continues to shield this source of impunity.

On June 2, 2000, the Association of Family Members of the Detained and Disappeared (*Asociación de Familiares de Detenidos Desaparecidos-Colombia, ASFADDES*), the Citizenry Alive Corporation (*Corporación Viva la Ciudadanía*), and the Colombian Commission of Jurists (*Comisión Colombiana de Juristas, CCJ*) filed a petition (*derecho de petición*) calling on the President to issue a written directive to the Armed Forces ordering its commanders to abstain from initiating jurisdictional disputes over cases involving credible allegations of human rights abuses by security force officers. Such a directive would satisfy condition 1 (A) (i).

¹ Article 243 provides: "The rulings of the Court in the exercise of constitutional review become constitutional *res judicata*."

President Pastrana failed to respond to the petition before the legally mandated deadline. After these organizations filed a constitutional challenge (*acción de tutela*) compelling a reply, Defense Minister Luis Ramírez responded for the Pastrana Administration by refusing to issue this directive.

It is revealing to examine his reasons. Minister Ramírez argued that military tribunals had already transferred 533 cases to civilian jurisdiction. Minister Ramírez concluded, "[these] statistics are significant enough to show that the military jurisdiction is complying with great diligence with the limits of military jurisdiction set out in [ruling C-358/97]".

We dispute this claim. In a review of 103 cases transferred from military tribunals to civilian jurisdiction since the beginning of 1997, we found that only fifty-one related to members of the military (the rest were police officers). Of that number, twelve had been accused of common crimes like allowing prisoners to escape, theft, and drug trafficking. Only thirty-nine related in some way to crimes that could be construed as human rights violations, like murder. Most of these cases involved low-ranking sergeants and lieutenants. In other words, fewer than ten cases per year are transferred from military to civilian jurisdiction, and these rarely involve senior officials who may have ordered or orchestrated gross violations. Despite repeated requests to the Colombian government, including by U.S. Congressional offices, the Colombian government has failed to provide details of the remaining 430 cases they claim were transferred.

Minister Ramírez went on to say that since the CSJ adjudicates these cases and is, he claimed, independent, there is no evidence that military tribunals seize jurisdiction over cases that properly fall outside their sphere. However, this is contradicted by the State Department's own human rights reporting as well as by detailed information compiled by the United Nations High Commissioner for Human Rights, Amnesty International, Human Rights Watch, and dozens of other groups. This year, the State Department concluded that "CSJ rulings indicated that it did not always consider itself bound by the Constitutional Court's 1997 directive when determining whether cases involving security force personnel belonged in the military or civilian judiciaries . . . The CSJ assigned most cases involving high-level military personnel to the military courts, where convictions in human rights-related cases were the rare exception. . . . In determining which alleged crimes were to be tried by military tribunals, the CSJ also regularly employed an extremely broad definition of acts of service, thus ensuring that uniformed defendants of any rank, particularly the most senior, were tried in military tribunals."

Indeed, even military officers have charged that their own tribunals are unfair, cover up crimes and shield high ranking officers. In letters to Colombia's CSJ and Constitutional Court, Lt. Col. Hernán Orozco, who alerted his superiors to the 1997 Mapiripán

massacre, requested that the court overturn the CSJ decision to send his case to a military tribunal. "It is unthinkable that [military tribunals] would allow the prestige of a general of the Republic to be questioned with a guilty verdict, and exonerate a subordinate, even if that subordinate is innocent...I maintain the absolute conviction that the military justice system is not impartial... and cannot prosecute with fairness high-ranking military personnel implicated in crimes against humanity."

As far as we have been able to determine, the military has never transferred the case of an officer with the rank of colonel or higher from a military tribunal to a civilian court.

Finally, Minister Ramírez suggested that the required directive would violate judicial independence. **We dispute this claim.** Such directive would in no way interfere with due process or the independence of the judiciary. Moreover, the President not only has the power to issue this directive, but the constitutionally-mandated duty to do so.

The President is the commander-in-chief and can order his subordinates in the Armed Forces to cease disputing these cases and thereby uphold the law. Specifically:

- (i) The President of the Republic has the authority and the duty to direct the Military Forces and National Police and, therefore, to give them orders that must be obeyed by each and every one of their members (Article 189.3 and Article 4 of the Constitution).
- (ii) The order that the President of the Republic should give is an obligation that stems from the duty of the government to ensure that judicial rulings are carried out, and to respect and enforce the laws (Articles 201.1 and 189.10 of the Constitution).
- (iii) The President of the Republic should implement the recommendations on human rights made by the organs of the international community authorized to do so by international law (Articles 5, 93, and 224 of the Constitution).

Not only has the Pastrana administration been unwilling to take the affirmative measures needed to address impunity, it has also worked to block legislation designed to implement the Constitutional Court ruling, measures that would ensure that human rights violations are tried within the civilian court system. During the Congressional debate regarding the law to criminalize forced disappearance (now Law 589 of 2000), the President presented objections to the proposed law that were designed to exclude Article 7 from the bill. This article stipulated that the crimes of genocide, forced disappearance, and torture must be tried within the civilian court system. The presidential objections were not only without merit, but they also ran contrary to the President's human rights mandate.

Moreover, the military claims proudly that it continues to prosecute cases involving human rights violations, in open defiance of the Constitutional Court decision. In a statistical table that covers 1997-1999, precisely when all of these cases should have been transferred to civilian jurisdiction, the Military Superior Tribunal reported that it issued 271 "condemnations" for human rights crimes.

International Context

The position of the United Nations Human Rights Committee, as well as that of the Inter-American Commission on Human Rights of the Organization of American States, is clear on the issue of civilian versus military jurisdiction. In defining the scope and content of the obligation of States in terms of guaranteeing an effective recourse for the victims of human rights violations, and of bringing those responsible for abuses before courts of justice, both international bodies have insisted that States guarantee that members of the military implicated in human rights violations be brought before civilian criminal tribunals and not before military tribunals.

The U.N. Human Rights Committee has repeatedly reiterated the obligation of States to investigate, process, and punish state agents who are authors of violations of human rights and, in particular, in cases of extrajudicial executions, torture and "disappearances".² In its decision regarding the case of Nydia Erika Bautista de Arellana in Colombia, the Human Rights Committee stated that:

the State party is under a duty to investigate thoroughly alleged violations of human rights, and in particular forced disappearances of persons and violations of the rights to life, and to prosecute criminally, try and punish those held responsible for such violations. This duty applies *a fortiori* in cases in which the perpetrators of such violations have been identified.³

The Human Rights Committee has stated clearly that this obligation implies that those responsible for such abusive acts should be processed by civilian courts and not by military tribunals, and it has encouraged those States that maintain military exemptions in matters involving human rights violations to transfer those cases to the competence of civilian criminal courts.⁴

² Cases N_30/1978, N_107/1981, N_146/1983, N_161/1983, N_194/1985, and N_25/1978

³ United Nations document, CCPR/C/55/563/1993, of 13 November 1995, par. 8 (6).

⁴ United Nations document: Observations and Recommendations - Colombia, M/CCPR/92/18; Observations and Recommendations - Colombia, CCPR/C/79/ Add.76; Observations and

Similarly, in its April 1997 observations and recommendations to Colombia, the U.N. Human Rights Committee specifically urged that:

[A]ll necessary steps be taken to ensure that members of the armed forces and the police accused of human rights abuses are tried by independent civilian courts and suspended from active duty during the period of investigation. To this end, the Committee recommends that the jurisdiction of the military courts with respect to human rights violations be transferred to civilian courts and that investigations of such cases be carried out by the Office of the Attorney General and the Public Prosecutor. More generally, the Committee recommends that the new draft Military Penal Code, if it is to be adopted, comply in all respects with the requirements of the Covenant. The public forces should not be entitled to rely on the defense of "orders of a superior" in cases of violation of human rights.⁵

The United Nations Committee against Torture, in its 1995 conclusions and recommendations to Colombia, concluded that under the Convention against Torture and other Cruel, Inhuman, and Degrading Treatment or Punishment, it does:

not seem to be acceptable [...] the extension of military jurisdiction to deal with ordinary crime by means of the inadmissible expansion of the concept of acts service".⁶

The Inter-American Commission on Human Rights has repeatedly found that military tribunals do not satisfy the criteria of judicial independence and impartiality required of proper courts of justice, as provided for under Article 8 of the American Convention on Human Rights.⁷ Indeed, the Commission has affirmed that, in matters of investigation, prosecution, and sanctions against military authors of human rights violations, military

Recommendations - Colombia, CCPR/C/79/Add.2; Observations and Recommendations - Egypt, CCPR/C/79/Add.23; Observations and Recommendations - Brazil, CCPR/C/79/Add.66; Observations and Recommendations - Bolivia, CCPR/C/79/Add.74; Observations and Recommendations - Lebanon, CCPR/C/79/Add.78; and Observations and Recommendations - Chile, CCPR/C/79/Add.104.

⁵ United Nations document, Observations and Recommendations - Colombia, CCPR/C/79/Add. 76, par.34.

⁶ United Nations document, A/51/44 par. 76

⁷ See United Nations document E/CN.4/Sub.2/1992/Add.2, par. 103; Inter-American Commission for Human Rights, Informe sobre la situación de los Derechos Humanos en Chile, 1985, Doc. OEA/S.R.L./V/II.66, par. 139.

tribunals violate the right to justice and gravely infringe on the American Convention on Human Rights.⁸

With respect to military jurisdiction in Colombia, the Inter-American Commission on Human Rights has specifically stated that:

[M]ilitary tribunals do not guarantee that the right to a fair trial will be observed, since they do not have the independence that is a condition *sine qua non* for that right to be exercised. Moreover, their rulings have frequently been biased and have failed to punish members of the security forces whose involvement in very serious human rights violations has been established.⁹

With respect to judging members of the military who are tried before military tribunals for alleged human rights violations, the Inter-American Commission on Human Rights concluded that:

[W]hile the administration of justice in Colombia is poorly served by such a system, so are the right to a fair trial provided for in the American Convention on Human Rights and the Inter-American system itself, which requires that States parties like Colombia act swiftly to adapt their due process laws to the American Convention.¹⁰

The limiting of military jurisdiction has been recommended repeatedly by intergovernmental organizations. Yet the Colombian government continues to resist making the necessary changes.

Over more than ten years, a series of authoritative intergovernmental bodies and mechanisms for the protection of human rights have recommended that Colombia limit the competence of military tribunals to crimes that are strictly military, and transfer cases involving human rights violations to civilian criminal jurisdiction. This recommendation has been made by the United Nations Working Group on Enforced or Involuntary Disappearances, the United Nations Human Rights Committee, and was reiterated in 1995 by the U.N. Special Rapporteurs on Extrajudicial Summary or Arbitrary Executions and on Torture of the United Nations; and by the U.N. Special

⁸ See, for example, the Inter-American Commission for Human Rights' Annual Report, 1984-1985, p. 166.

⁹ Second report on the Human Rights Situation in Colombia, OEA/Ser.L/V/II.84, Doc. 39 rev, 14 October 1993, p. 245-246.

¹⁰ Second report on the Human Rights Situation in Colombia, OEA/Ser.L/V/II.84, Doc. 39 rev, 14 October 1993, p. 103.

Rapporteur on the Independence of Judges and Lawyers: The Inter-American Commission on Human Rights of the Organization of American States, has also made the same recommendation. Likewise, in both 1999 and 2000, the United Nations Commission on Human Rights, in the Declaration on Colombia by its President, has called on the Colombian authorities to guarantee that cases of military personnel accused of human rights violations be transferred to the civilian criminal justice system.

August 17 Directive

The Colombian government purported to meet this requirement when, on August 17, it released Directive 01. The Directive is based on the entrance into law of the new Military Penal Code. The State Department immediately certified that this directive meets the requirement laid out in Sec. 3201(1) (A) (i).

We believe Directive 01 is not satisfactory and should not have been certified.

Directive 01 is intended to comply only partially with Sec. 3201(1) (A) (i). That condition did not call for *any* directive, but one which directly addressed one of the foundations of impunity in Colombia. Therefore, anything short of full compliance should have resulted in a denial of certification.

Flouting Constitutional Court ruling 358/97, Colombia's military continues to dispute the jurisdiction of cases involving Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights. As the State Department has reported, these tribunals have a virtually unbroken record of covering up crimes, failing to gather or consider evidence and acquitting implicated officers in the face of overwhelming evidence against them.

Instead of basing himself on the Constitutional Court, President Pastrana used the new Military Penal Code, which specifically cites only three crimes as belonging before civilian courts, not military tribunals. These crimes are genocide, torture and forced disappearance.

This falls far short of the crimes considered "gross violations of human rights" required by the text of the condition.

To comply with Sec. 3201(1) (A) (i), President Pastrana should have used only Constitutional Court ruling 358/97. That ruling stipulates that all alleged gross violations of human rights committed by armed forces personnel belong before civilian courts.

In fact, the crimes most often alleged to have been committed by members of Colombia's Armed Forces are not specifically excluded from military jurisdiction by the Military Penal Code, among them extrajudicial execution, rape and aiding and abetting the atrocities carried out by paramilitary groups.

During prolonged debate over the Military Penal Code bill, Colombia's military lobbied aggressively and successfully against including the wording established by the Constitutional Court, as a way of maintaining a questionable legal foundation for their continued defiance of the law.

BENCHMARKS:

The following benchmarks should be achieved before the U.S. Secretary of State issues a certification of the Colombian government's compliance with this condition:

A. A written directive should be sent by the President of Colombia to the Commander General of the Armed Forces ordering members of the armed forces to cease disputing jurisdiction of cases involving military personnel who are credibly alleged to have ordered, committed or acquiesced in gross violations of human rights, including by aiding or abetting of paramilitary activities, whether directly or by "omission."

CONDITION (A)(ii): Suspension of Military Officers

This condition requires the Secretary of State to certify that:

"(A)(ii) the Commander General of the Colombian Armed Forces is promptly suspending from duty any Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights or to have aided or abetted paramilitary groups;"

This condition has not been met.

The condition specifies that any armed forces personnel so accused are promptly suspended. For this condition to be met, therefore all personnel formally implicated in gross human rights violations and/or paramilitary activity by the *Fiscalía* or

Procuraduría would have to have been suspended, pending the outcome of investigations against them, and such suspensions would need to have been implemented "promptly" -that is, within a very short time frame of a matter of days at most.

"Prompt suspension" can only be reasonably interpreted to mean the rapid suspension of implicated officers from active duty when credible evidence is presented of their involvement in gross human rights or international humanitarian law violations, or their aiding and abetting paramilitary groups, or when formal charges to such effect have been filed against by the *Fiscal* or the *Procuraduría*. These cases should then be sent for investigation to the *Fiscalía* and the armed forces should provide full cooperation in carrying out the investigation. The purpose of this condition is to prevent possible new violations by military personnel accused of human rights violations.

This clearly has not been, and is not, happening. Therefore the condition has not been met. Although President Pastrana has repeatedly declared that he will remove from service those security force officers who have acted outside the law, he has yet to make good on his promises.

Dozens of armed forces personnel who have been implicated in abuses not only remain on active duty today but are in command of troops or carrying out intelligence work, and are regularly promoted. Even when formal charges have been filed by the *Fiscalía* and the soldiers implicated are officially reported to be held in detention, they are often, in fact, still on duty and are free to come and go from military barracks.

In one notorious case, the two army officers who murdered Colombian senator Manuel Cepeda on August 9, 1994, remained on active duty until human rights groups protested against this in 1999. Hernando Medina Camacho and Justo Gil Zúñiga Labrador were able to move freely about Colombia, with Medina continuing to work in intelligence, despite the fact that the *Fiscalía* had issued arrest warrants against them

Others have left the military facilities where they were reported to be detained. For example, army major David Hernández, arrested in connection with the March 1999 murder of Alex Lopera, a former peace adviser to the Antioquia governor's office, left the base operated by the 4th Brigade during the investigation of the case against him, and did not return. Subsequently, another officer implicated in the same murder was also able to leave the 4th Brigade unimpeded.

Other armed forces personnel remain on active duty, in some cases in command of field troops, despite credible allegations of their participation in gross human rights

violations, or assistance to paramilitary groups. In many cases, armed forces personnel have been allowed by their supervisors to remain on active service despite the fact that charges are known to have been filed against them by the *Fiscalía*.

BENCHMARKS:

The following benchmarks should be achieved before the Secretary of State issues a certification on the Colombian government's compliance with this condition:

- A. The United States should require the suspension of members of the security forces within twenty four hours of the presentation of credible evidence of gross violations of human rights or international humanitarian law; the aiding and abetting of paramilitary groups; or their being formally charged by the *Fiscalía* as suspects in alleged human rights crimes or the aiding and abetting of paramilitary groups.
- B. The United States should obtain a list of the names and ranks of military personnel who have been suspended from duty since August 1997 as a result of credible allegations that they committed gross violations of human rights or aided or abetted paramilitary groups, together with the dates of their suspension. The U.S. Embassy should update this list at three-month intervals and distribute it to the appropriate congressional committees and the human rights groups included in the consultation process required for certification.
- C. The United States should obtain a list of names and ranks of military personnel who have not been suspended from duty since August 1997 despite credible allegations that they committed gross violations of human rights or aided or abetted paramilitary groups. The U.S. Embassy should update this list at three-month intervals and distribute it to the appropriate congressional committees and the human rights groups included in the consultation process required for certification.
- D. In particular, the United States should ensure that the following individuals are or have been suspended, pending investigations and, as appropriate, prosecution for their alleged involvement in gross violations of human rights and paramilitary activities:

1. **General Rodrigo Quiñones, Commander, Navy's 1st Brigade:**

Colombian government investigators linked Quiñones to at least 57 murders of trade unionists, human rights workers, and community leaders in 1991 and 1992, when he was head of Navy Intelligence and ran Network 3, based in Barrancabermeja. A military tribunal decided that there was insufficient evidence against him, but he has not been brought to trial in the civilian justice system. The only people to be convicted for these crimes were two civilian employees of Naval Intelligence

Network No. 7, one of whom was later murdered in prison. In his ruling on the case, the civilian judge stated that he was "perplexed" by the military tribunal's acquittals of Quiñones and others, since he considered the evidence against them to be "irrefutable." "With [this acquittal] all that [the military] does is justify crime, since the incidents and the people responsible for committing them are more than clear." This judge also discounted the military's contention that Quiñones was the victim of a smear campaign by drug traffickers, concluding that there was no evidence to support this claim. To the contrary, he concluded that evidence linking Quiñones to the Barrancabermeja atrocities was clear and compelling.

The only punishment meted out to Quiñones so far has been a "severe reprimand" ordered by the *Procuraduría General de la Nación*, which concluded that he was responsible for the deaths. In a disputable interpretation of existing norms, the *Procuraduría* has determined that murder is not classified as an administrative infraction in the existing regulations. Therefore, the maximum punishment it can impose for murder is a "severe reprimand," essentially a letter in an employment file. It is important to note that the *Procuraduría* itself has termed this absurd punishment "embarrassingly insignificant, both within the national sphere and before the international community." Quiñones is also the officer in charge of the region at the time of the February 2000 massacre in El Salado (Bolívar). Military and police units stationed nearby failed to stop the killing and established roadblocks which prevented human rights and relief groups from entering the town. Quiñones was promoted to General in June 2000.

2. **General Carlos Ospina Ovalle, Commander, 4th Division:** Colombia's Attorney General's Office has documented extensive ties between the 4th Brigade and paramilitary groups between 1997 and 1999, while General Ospina was in command. Among the cases that implicate Ospina is the October 1997 El Aro massacre. Government documents show that a joint army-paramilitary force surrounded the village and maintained a perimeter while about 25 paramilitaries entered the town, rounded up residents, and executed four people.

3. **Brigadier General Jaime Ernesto Canal Albán, Commander, 3rd Brigade:** Colombian government investigators found evidence that, in 1999, while Brig. Gen. Canal Albán was in command, the 3rd Brigade set up a paramilitary group and provided them with weapons and intelligence.

4. **General Jaime Humberto Cortés Parada, Inspector General of the Army:** The *Fiscalía* collected compelling and abundant evidence indicating that under his command at the 3rd Division, the Army's 3rd Brigade set up a "paramilitary"

group in the department of Valle del Cauca, in southern Colombia. Investigators were able to link the group to active duty, retired, and reserve military officers and the ACCU in Barranquilla, Atlantico (See below); and

5. **General Freddy Padilla León, Commander of the II Division, and Colonel Gustavo Sánchez Gutiérrez, Army Personnel Director:** In July 2000, the press widely reported that the *Procuraduría* formally charged (*pliego de cargos*) **General Jaime Humberto Cortés Parada** and these two officers with "omission" in connection with the massacre in Puerto Alvira in June 1997. Two other generals who also face disciplinary charges, for "omission" - Generals Jaime Humberto Uscátegui and Agustín Ardila Uribe - are already retired.

E. If it is found after extensive review that the military lacks the legal power to impose suspensions required by this condition, the United States should require that the president of Colombia sign a decree authorizing these suspensions and implement it fully and without delay.

CONDITION (A)(iii): Compliance with Conditions by Armed Forces

This condition requires that:

"(A) (iii) the Colombian Armed Forces and its Commander General are fully complying with (A) (i) and (ii); and"

This condition has not been met.

As long as there are any jurisdictional challenges to cases of alleged human rights abuses or the aiding and abetting of paramilitary groups pending before the Supreme Judicial Council, the armed forces and Commander General are not "fully complying with (A) (i) and (ii)." Partial compliance or even a stated intent to comply is not adequate to meet this condition, which requires total compliance. Full means complete - not partial, not mostly -- but total.

In fact, the armed forces do continue to dispute jurisdiction over human rights cases and cases involving alleged support for paramilitary groups, and while these jurisdictional challenges continue to be filed before the Supreme Judicial Council, the armed forces and Commander General are not "fully complying with (A) (i) and (ii)."

Finally, on the question of jurisdiction, the Colombian authorities do have ways to transfer cases back to civilian jurisdiction. Cases that are under investigation or that have not reached the stage of final appeal and its resolution can be transferred to civilian courts, where they should be tried. The following mechanisms can also be used to reopen cases that have been closed by military judges for supposed "lack of evidence," a common way to shield officers from punishment:

a) the military judge can order their transfer based on the Constitutional Court decision. For example, in 1999, the military judge in charge of the case implicating José Ancizar Hincapié Betancur, commander of the Tenerife Battalion at the time of the alleged crime, ordered that the case be returned to civilian jurisdiction.

b) a civilian prosecutor or judge can request jurisdiction directly from the military judge assigned to the case, based on the Constitutional Court decision;

c) the civilian plaintiffs can file an appeal with the Constitutional Court, which can then order the CSJ to revisit the jurisdictional determination. For example, on June 29, 2000 the Constitutional Court ordered the CSJ to revisit the case involving the alleged "disappearance" of Nydia Erika Bautista on September 12, 1987.¹¹ Within a month, the CSJ reversed the earlier decision, returning jurisdiction to the civilian courts. It is worth noting that this case, although it occurred thirteen years ago, had not been resolved by the military tribunal, affording the perpetrators complete impunity. This decision will likely have significant implications for other cases that remain unresolved.

Cases in which a verdict has been confirmed at appeal can be made the subject of an "extraordinary appeal for review" (*recurso extraordinario de revisión*) to the Supreme Court. In addition, in several instances, the government of Colombia has agreed to consider an in-depth study (*estudiar los mecanismos internos*) of this type of case to see if there are legal remedies available to address impunity. For example, such a process is being carried out to find those responsible for the murder of minor Roison Mora Rubiano, currently under review by the Inter-American Commission on Human Rights.

BENCHMARKS:

A. The U.S. government should obtain from the Colombian government a list of all cases since August 1997 in which military judges have challenged jurisdiction in cases being investigated by the Attorney General's Office involving gross human rights

¹¹ Sentencia T-806/00, JUNe 29, 2000.

violations or the aiding and abetting of paramilitary activities, including the charges, the rank of the individuals charged, and the decision of the Superior Judicial Council. The U.S. Embassy should update this list at three-month intervals, and distribute it promptly to the appropriate congressional committees and the human rights groups included in the consultation process required for certification.

B. The U.S. government should obtain a list of military personnel brought to justice in Colombia's civilian courts since August 1997, including the names and ranks of these personnel, details of the charges brought, and the disposition of the cases. The U.S. Embassy should update this list at three-month intervals, and distribute it promptly to the appropriate congressional committees and the human rights groups included in the consultation process required for certification.

C. The Colombian military should transfer the cases involving the officers named below to the appropriate civilian authorities for investigation and prosecution:

1. **General (ret.) Fernando Millán, former Commander, 5th Brigade:** The *Fiscalía* opened an investigation against General Millán based on evidence that he set up the Las Colonias CONVIVIR in Lebrija, Santander, while he commanded the Fifth Brigade. The Las Colonias CONVIVIR operated throughout 1997 without a license but with army support, according to the testimony of former members. According to residents and victims' families, the group committed at least fifteen targeted killings before the director, "Commander Cañón," a retired army officer, and the employees he hired were arrested and prosecuted under Decree 1194, which prohibits the formation of paramilitary groups. Among the cases currently under investigation by the Attorney General's Office are those of two Protestants, brothers Oscar and Armando Beltrán Correa, who were taken captive by the Las Colonias CONVIVIR as they went to work on July 29, 1997 and killed on the road leading from Lebrija to the hamlet of La Puente. Apparently, the CONVIVIR accused them of passing information to the guerrillas. On September 4, 1997, father and son Leonardo and José Manuel Cadena were forced out of their home by CONVIVIR members and killed, according to a family member's testimony to the Attorney General's Office. The CONVIVIR apparently accused the Cadenas of providing food to guerrillas. According to a former CONVIVIR member who was also an army informant, during its months of operation, the Las Colonias CONVIVIR frequently went on operations with army units, setting up roadblocks and detaining suspected guerrillas and criminals. When the Attorney General's Office investigated this case, the army high command prevented prosecutors from questioning Millán, then interposed a jurisdictional dispute, claiming that since Millán was on active service and carrying out his official duties, the case should be tried before a military tribunal. Following a decision by the CSJ, the case was transferred to the military justice

system in October 1998. A prosecutor assigned to investigate the May 1998 massacre of 11 people in Barrancabermeja fled the country after receiving threats from General Millán, then-Commander of the 5th Brigade. Nine members of the military and police were disciplined in connection with the massacre, but there have been no prosecutions under civilian jurisdiction. General Millán has not been brought to justice in the civilian justice system.

2. **Major Jesús María Clavijo, 4th Brigade:** In March 2000, Major Clavijo was relieved of his command pending the outcome of his trial on charges of helping form and direct paramilitary groups during his service with the 4th Brigade. Eyewitnesses have linked Clavijo and other 4th Brigade officers to paramilitaries through regular meetings held on military bases. An investigation by the Internal Affairs agency (*Procuraduría*) listed hundreds of cellular telephone and beeper communications between known paramilitaries and 4th Brigade officers, among them Clavijo. On May 11, 2000, the Attorney General received a jurisdictional dispute from the military judge handling the case. The case is now pending before the CSJ.

3. **General (ret.) Jaime Uscátegui, 7th Brigade:** Dozens of civilians were killed by paramilitaries and hundreds were forced to flee for their lives from Mapiripán, Meta, in July 1997. For five days, paramilitaries acting with the support of the army detained residents and people arriving by boat, took them to the local slaughterhouse, then bound, tortured, and executed them by slitting their throats. Local army and police units ignored repeated phone calls from a civilian judge in the area seeking to stop the slayings. At least two bodies — those of Sináí Blanco, a boatman, and Ronald Valencia, the airstrip manager — were decapitated. Judge Leonardo Iván Cortés reported hearing the screams of people who had been taken to the slaughterhouse to be interrogated, tortured, and killed. In one message that he sent to various regional authorities while the massacre was in progress, he wrote: "Each night they kill groups of five to six defenseless people, who are cruelly and monstrously massacred after being tortured. The screams of humble people are audible, begging for mercy and asking for help." Hundreds of people fled the region. They included Judge Cortés, who was forced to leave Colombia with his family because of threats on his life.

Subsequent investigations revealed that troops under the command of Uscátegui, then in charge of the 7th Brigade, assisted the paramilitaries during their arrival at the nearest airport, and made sure that troops with the capability to combat paramilitaries were engaged elsewhere. In an attempt to cover up his responsibility, Uscátegui tried to falsify documents reporting the massacre. As a result of their internal investigation, the army moved Gen. Uscátegui to administrative duties for failing to

act promptly to stop the massacre and detain those responsible. However, the CSJ later ruled that the case involved an "act of omission" and belonged before a military court. Uscátegui has since retired, and has yet to be prosecuted before a civilian court. However, the military has reopened the case and announced that Uscátegui will be brought before a Consejo de Guerra on charges of "homicidio", "prevaricación por omisión" and "falsedad en documento" for the Mapiripán massacre. Uscátegui has been re-arrested and is being held in the 13th Brigade.

4. **General (ret.) Alberto Bravo Silva, Commander, 5th Brigade:**

According to Colombia's Public Advocate, on May 29, 1999, paramilitaries killed at least 20 people and abducted up to fifteen more in La Gabarra (Norte de Santander). General Bravo was repeatedly informed of the subsequent threats and the ensuing massacres, but did not act to prevent them or to pursue the perpetrators effectively once the massacre had taken place. He was relieved of duty, but has not been prosecuted in a civilian court for his alleged role in aiding and abetting this atrocity.

5. **General (ret.) Rito Alejo del Río, 17th Brigade:** An investigation was opened by *Fiscalía* in 1998 into Del Río's support and tolerance for paramilitary activity in the Urabá region in 1996 and 1997 while he was commander of the 17th Brigade. According to reports made by Colonel (ret.) Carlos Velásquez, his chief of staff, to his superiors in 1996, that Del Río supported paramilitaries in Urabá, and maintained a relationship with a retired army major who worked with paramilitaries. Instead of prompting a serious investigation of Del Río, the reports prompted the army to investigate Velásquez, in an apparent attempt to silence him. The army concluded the inquiry by recommending not that Gen. del Río, who was later promoted, be punished, but that Colonel Velásquez be disciplined for "insubordination, [acts] against duty and esprit de corps." Velásquez was forced to retire on January 1, 1997.

Recent press reports indicate that an investigation was opened by the *Fiscalía* against Generals **del Río** and **Fernando Millán** in August 2000. According to these reports, prosecutors charge that they attempted to present false witnesses to the *Fiscalía* to claim that a prominent trade unionist and a human rights defender had paid witnesses to denounce **del Río** and **Millán** as having ties to paramilitaries. These reports suggest that the *Fiscalía* suspects that, in fact, an army "informant" in league with Del Río and Millán paid the two false witnesses to lie to authorities.

6. **General (ret.) Farouk Yanine Díaz:** Gen. Yanine was arrested in October 1996 for alleged complicity in the massacre of 19 merchants in the Middle Magdalena region in 1987. Eyewitnesses, including a military officer, testified that he supported paramilitaries who carried out the massacre and had operated in the area

since 1984, when Yanine was commander of the 14th Brigade in Puerto Berrio. The paramilitary leader also testified that Gen. Yanine had paid him a large sum to carry out the killing. Yanine also allegedly provided paramilitaries with the intelligence necessary to intercept their victims. Despite compelling evidence, General Manuel José Bonnet, then the army commander, closed the case citing a lack of evidence. The *Procuraduría* appealed the decision on the grounds that "evidence presented against Yanine Díaz had not been taken into account... [the sentence] clearly deviates from the evidence presented in this case," *se aparta protuberantemente de las pruebas que aparecen en el proceso.*" The U.S. State Department expressed concern about the acquittal on July 1, 1997.

7. **General Rodrigo Quiñones, Commander, Navy's First Brigade:** (See benchmarks above, under Condition (A)(ii).
8. **General Carlos Ospina Ovalle, Commander, 4th Division:** (See above).
9. **Brigadier General Jaime Ernesto Canal Albán, Commander, 3rd Brigade:** (See above).

The following cases should also be transferred to civilian jurisdiction:

1. **Massacres at Trujillo (Valle del Cauca):** Dozens of people were killed in the municipality of Trujillo over a several year period in the late 1980's and early 90's. On December 20, 1990, the 3rd Brigade dropped charges that had been leveled against Major Alirio Antonio Uruña Jaramillo. The sitting president later cashiered him on human rights grounds. Further cases arising from the Trujillo killings remain in military courts. The paramilitary leader widely reported to have participated, Henry Loaiza Ceballos, "El Alacrán", is not known to have been convicted for his role in this case.
2. **Massacre at El Caloto (Cauca):** This massacre, in which twenty members of Paez indigenous community were killed, was carried out on December 16, 1992 by the Judicial Police. The case was transferred to military jurisdiction at the end of 1997 and charges against the implicated officials were dropped.
3. **Massacre at Riofrío (Valle del Cauca):** Thirteen people were killed in the village of El Bosque, in the Municipality of Riofrío on October 5, 1993 by men in uniforms and ski masks. The victims were presented as combat deaths by Battalion Palacé of the 3rd Brigade, based in Cali. The case was initially transferred to the military court system by a 1994 CSJ decision. A civilian judge then requested that

the military justice system transfer to him the portion of the case brought against several military officials. The military justice system refused to grant the transfer, and the matter returned to the CSJ. In July 1998, the CSJ refused to decide the conflict on the grounds that it had already decided the jurisdictional question in 1994.

4. **Blanquicet:** On September 22, 1993, in the rural district of Blanquicet, municipality of Turbo, in Urabá, Antioquia department, members of the Colombian army killed Carlos Manuel Prada and Evelio Bolano, members of the armed opposition group Socialist Renovation Current, (*Corriente de Renovación Socialista, CRS*) who had been acting as peace negotiators. The CRS later demobilized. An army captain, sergeant, and several soldiers, were acquitted by the military justice system. This decision was appealed by the lawyers acting for the families and by the CRS on jurisdictional grounds, and they requested the transfer of the case to the *Fiscalía* in compliance with the Constitutional Court's ruling. The request was rejected but the rejection was appealed, whereupon the *Tribunal Superior Militar* confirmed the decision to deny the transfer. The Human Rights unit of the *Fiscalía* then requested the transfer of the case on jurisdictional grounds, and it is now before the CSJ. The case is also before the Inter-American Commission, which has agreed to a 'friendly settlement' on condition that the criminal investigation is transferred to the civilian justice system.

5. **San José de Apartadó:** On February 19 and July 8, 2000, alleged paramilitaries killed a total of eleven civilians in San José de Apartadó. According to eyewitnesses, personnel of the 17th Brigade were in the area at the time of both massacres and failed to prevent or stop the killings. An army helicopter allegedly belonging to the 17th Brigade hovered overhead at the time of the July 8 massacre.

6. **El Aro:** Colombian prosecutors collected evidence linking the 4th Brigade, under the command of General Carlos Ospina Ovalle, to the October 25, 1997, massacre committed by paramilitaries in El Aro. Government documents show that a joint army-paramilitary force surrounded the village and maintained a perimeter while about 25 paramilitaries entered the town, rounded up residents, and executed four people.

CONDITION (B): Cooperation with Civilian Authorities

This condition requires the Secretary of State to certify that:

"(B) the Colombian Armed Forces are cooperating fully with civilian authorities in investigating, prosecuting, and punishing in the civilian courts Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights;"

This condition has not been met.

Government investigators, community leaders, journalists, and human rights defenders who attempt to document cases involving security forces officers alleged to have committed human rights violations or to have aided or abetted the work of paramilitary groups continue to face harassment, threats and attacks from the armed forces. Particularly disturbing are threats against *Fiscalía* Human Rights unit prosecutors and their investigators from the Technical Investigations unit (*Cuerpo Técnico de Investigación, CTI*).

Since the Human Rights unit began work in 1995, dozens of prosecutors have been forced to either abandon these cases, leave the *Fiscalía*, or go into exile. For instance, most of the prosecutors and CTI agents involved in documenting links between paramilitaries and the 4th Brigade between 1997 and 1999 have either left the *Fiscalía*, gone into exile, or been killed.

This is aggravated by the fact that members of the Colombian Armed Forces continue to make public statements accusing civilian authorities of having been infiltrated by the guerrillas and questioning the legitimacy of their investigations, demonstrating their lack of cooperation with those investigations. In one case, the Army Chief of Staff, General Néstor Ramírez, stated publicly on December 2, 1999, that the most difficult struggle of the Colombian Army is against "those subversives who have infiltrated the *Fiscalía*, *Procuraduría*, and the Human Rights Ombudsman's Office, backed by some international and national organizations that are causing us a lot of damage."

Despite a request from the *Fiscal* and the *Procurador*, General Ramírez did not retract the allegations or provide evidence to support this claim. President Pastrana responded only after a public letter from the *Fiscal* and the *Procurador*. He said only that he regretted the remarks but also requested that the *Fiscalía* and *Procuraduría* open an investigation into the allegations. An article making similar allegations (including allegations against Human Rights Watch and the Bogotá U.S. Embassy's Human Rights

Officer) was posted on the Ministry of Defense's website for several months this year. To date there has been no retraction of the allegations.

This is despite Presidential Directive 07, issued on September 9, 1999, concerning "Support, communication and cooperation of the State with Human Rights organizations". This directive restates most aspects of the previous Presidential Directive 011 of June 1997, issued by then President Ernesto Samper. It orders all public officials to abstain from questioning the legitimacy of human rights organizations and from making false accusations which could compromise their security or reputation. It also requires all public officials to cooperate fully with human rights organizations when asked to provide information or assistance. This Directive makes no mention of any sanctions, and has not been enforced to date.

BENCHMARKS:

The following benchmarks should be achieved before the Secretary of State issues a certification on the Colombian government's compliance with this condition:

A. The United States should insist upon the capture and effective detention of alleged material and intellectual authors of gross human rights violations against whom there are arrest warrants, including military officers.

B. The United States should obtain a list of outstanding arrest warrants issued by the *Fiscalía* relating to human rights cases. The U.S. Embassy should update it at three-month intervals, and distribute it promptly to the appropriate congressional committees and the human rights groups included in the consultation process required for certification. New cases should be included as well as developments in existing cases, in particular, whether the security forces are taking concrete measures to execute these warrants. The execution of arrest warrants should be sorted according to the security force units to which they refer.

C. The United States should require that Colombia take effective measures to protect civilian investigators and prosecutors from threats that impede their work.

D. There should be significant and measurable progress, including the execution of outstanding arrest warrants and the transfer to civilian courts of the prosecutions of implicated security force officers, of the following benchmark cases:

1. **Alirio de Jesus Pedraza Becerra**: Pedraza, a lawyer with the Committee of Solidarity with Political Prisoners (*Comité de Solidaridad con Presos Políticos*, CSPP), was "disappeared" by eight heavily armed men on July 4, 1990. His

whereabouts have never been determined. At the time, he was representing the family members of scores of peasants killed when the Luciano D'Eluyart Battalion opened fire on a protest march in 1988 in Llano Caliente, Santander. We are not aware of any arrests in this case.

2. **Blanca Cecilia Valero de Durán, CREDHOS:** This human rights defender belonging to the Regional Human Rights Committee for the Defence of Human Rights (*Comité Regional para la Defensa de los Derechos Humanos*, CREDHOS) was shot and killed on January 29, 1992 in Barrancabemeja, Santander. The then Colonel Rodrigo Quiñones Cárdenas, director of intelligence for Colombian Navy Intelligence Network 7, was believed responsible for her murder and scores of other political killings by government investigators. Nevertheless, Quiñones was acquitted by a military tribunal, although the *Fiscalía* named him as the "unequivocal" intellectual author. He remains on active duty. Two people were convicted in the killing.

3. **Oscar Elias Lopez, CRIC:** This human rights lawyer had been advising the Indigenous Regional Council of Cauca, (*Consejo Regional Indígena del Cauca*, CRIC). He was killed in Santander de Quilchao by heavily armed men on May 29, 1992.

4. **Julio Cesar Berrio, CREDHOS:** He was a security guard employed by CREDHOS, also involved in a CREDHOS investigation. Shot dead on June 28, 1992, allegedly by men working for Navy Intelligence Director Colonel Quiñones.

5. **Ligia Patricia Cortez Colmenares, CREDHOS:** Cortez, an investigator with CREDHOS, was killed on July 30, 1992, alongside several union members. We are not aware of any arrests in this case.

6. **Jairo Barahona Martínez, Curumaní Human Rights Committee:** This activist was killed on September 29, 1994 in Curumaní, Cesar following his abduction and torture. According to members of human rights organizations who collected information and pressed for a proper judicial investigation into the killing, members of the security forces were implicated in the assassination. No one has been brought to justice.

7. **Ernesto Emilio Fernández, human rights defender:** He was shot while driving home with his children on February 20, 1995. We are not aware of any arrests in this case.

8. **Javier Alberto Barriga Vergal, CSPP:** This human rights lawyer was killed in Cucutá on June 16, 1995. We are not aware of any arrests in this case.
9. **Josué Giraldo Cardona, co-founder and president of the Meta Civic Committee for Human Rights:** Giraldo was killed on October 13, 1996 after months of alleged harassment and threats by paramilitaries and military intelligence officers working for the 7th Brigade, then commanded by General Rodolfo Herrera Luna.
10. **Elsa Alvarado and Mario Calderón, CINEP:** Alvarado and Calderón were investigators with the Center for Research and Popular Education (*Centro de Investigación y Educación Popular*, CINEP). On May 19, 1997 a group of masked gunmen forced their way into Alvarado and Calderón's apartment, killing Elsa, Mario, and Elsa's father. Although some material authors of the crime are under arrest, the intellectual authors remain at large. Arrest warrants have been issued for Fidel and Carlos Castaño as the intellectual authors of the killings.
11. **Jesús María Valle Jaramillo, "Héctor Abad Gómez" Permanent Committee for the Defense of Human Rights:** Valle was assassinated on February 27, 1998 by unidentified gunmen, after repeatedly denouncing military / paramilitary links. Formal criminal charges were brought by the Attorney General's office against paramilitary leader Carlos Castaño and eight others. Six paramilitaries are currently detained. Despite strong indications of military involvement in the crime, no formal investigation has been opened against military personnel.
12. **Eduardo Umaña, human rights lawyer:** Umaña was killed in Bogotá on April 18, 1998. Several alleged gunmen are either under arrest or wanted for extradition. Shortly before his murder he had denounced the role of a military intelligence unit in paramilitary activity and human rights violations. The intellectual authors remain at large.
13. **Jorge Ortega, union leader:** This union leader and human rights defender was killed in Bogotá on October 20, 1998. Two former police officers have been implicated in the attack and are in prison. However, the intellectual authors remain unidentified.
14. **Everardo de Jesús Puertas and Julio Ernesto González, CSPP:** Puertas and González, lawyers with the CSPP, were shot dead on January 30, 1999, as they traveled by bus from Medellín to Bogotá. We are not aware of any arrests in this case.

15. **Dario Betancourt, academic:** Betancourt, a professor at Bogotá's *Universidad Pedagógica Nacional*, was forcibly disappeared on May 2, 1999, and his body was found on September 2, 1999. There have been no arrest warrants issued in this case.
16. **Hernan Henao, academic:** Henao, the Director of the University of Antioquia's Regional Studies Institute, was killed on May 4, 1999. There have been no arrest warrants issued in this case.
17. **Guzmán Quintero Torres, journalist:** Quintero, a journalist who had investigated reports of corruption within the Armed Forces, was killed on September 16, 1999, in Valledupar (Cesar). The Attorney General's Office detained two paramilitaries allegedly involved in the killing, but the intellectual authors have not been identified.
18. **Jesús Antonio Bejarano, academic:** Bejarano, a former government official involved in the peace talks with the FARC, was killed on September 16, 1999. There have been no arrest warrants issued in this case.
19. **Alberto Sánchez Tovar and Luis Alberto Rincón Solano, journalists:** Journalists Sánchez and Rincón were allegedly detained and executed by paramilitaries on November 28, 1999, in El Playón (Santander), while covering municipal elections. Three paramilitary gunmen have been arrested, but the intellectual authors remain unidentified.
20. **Jairo Bedoya Hoyos, indigenous activist:** Bedoya, a member of the Indigenous Organization of Antioquia (*Organización Indígena de Antioquia, OIA*), was abducted on March 2, 2000. There have been no arrests in this case.
21. **Margarita Maria Pulgarín Trujillo, Fiscalía:** Pulgarín, a prosecutor specializing in investigating links between the military and paramilitary groups, was killed in Medellín on April 3, 2000. No arrest warrants have been issued in this case.
22. **Jesús Ramiro Zapata Hoyos, Segovia Human Rights Committee:** Zapata, the leader of an umbrella organization of human rights groups, was abducted and killed on May 3, 2000 in Segovia, Antioquia. The day he was abducted, Zapata had reported to local authorities that paramilitaries had been seeking information on his whereabouts. Paramilitaries had occupied the area the month before.

23. **Elizabeth Cañas Cano, Association of Family Members of the Detained and Disappeared, ASFADDES:** Cañas, an ASFADDES (*Asociación de Familiares de Detenidos Desaparecidos-Colombia*) member, was shot dead near her office on June 11, 2000. She had lost relatives in the 1998 Barrancabermeja massacre. Witnesses to the massacre and other ASFADDES members are currently in grave danger of further attacks.

In addition, we call for progress on the following cases involving kidnappings, attacks, and death threats:

24. **Jairo Bedoya, Olga Rodas, Jorge Salazar, and Claudia Tamayo, IPC:** These four human rights workers belonging to the Institute for Popular Training (*Instituto Popular de Capacitación*, IPC) based in Medellín, Antioquia were abducted from their offices on January 28, 1999 by an armed gang. Several days later paramilitary commander Carlos Castaño claimed responsibility for the kidnappings, claiming the four as "prisoners of war." He remains at large.

25. **Piedad Córdoba de Castro, Senator:** On May 21, 1999 Córdoba, Liberal Party Senator and president of the Senate's Human Rights Commission, was abducted in Medellín by a group of fifteen armed men. The next day, paramilitary leader Carlos Castaño issued a public statement claiming responsibility for the abduction. She was later released.

26. **Diana Salamanca Martínez, Justice and Peace:** Salamanca, a human rights worker, was abducted on November 10, 1999 by paramilitary forces in Dabeiba, Antioquia. Three days later, following a national and international outcry, Salamanca was released to church workers in Necoclí, Antioquia. She reports having been transported overland in a truck, passing unhindered through various military and police checkpoints. We are not aware of any arrests.

27. **San José de Apartadó:** On February 19 and July 8, 2000, alleged paramilitaries killed 11 civilians in San José de Apartadó. According to eyewitnesses, personnel of the 17th Brigade were in the area at the time of both massacres and failed to prevent or stop the killings. An army helicopter allegedly belonging to the 17th Brigade hovered overhead at the time of the July 8 massacre.

28. **El Aro:** Colombian prosecutors collected evidence linking the 4th Brigade, under the command of General Carlos Ospina Ovalle, to the October 25, 1997, massacre committed by paramilitaries in El Aro. Government documents show that a joint Army-paramilitary force surrounded the village and maintained a perimeter

while about 25 paramilitaries entered the town, rounded up residents, and executed four people.

CONDITION (C): Prosecution for Paramilitary Activities

This condition requires that the Secretary of State certify that:

"(C) The Government of Colombia is vigorously prosecuting in the civilian courts the leaders and members of paramilitary groups and Colombian Armed Forces personnel who are aiding or abetting these groups."

This condition has not been met.

Currently, there are hundreds of outstanding arrest warrants for known paramilitaries that have yet to be executed. The government of Colombia claims that it has stepped up arrests. **We dispute this claim.**

According to statistics provided by the *Fiscalía*, they have significantly increased the number of arrest warrants issued, from roughly 53 per year in 1995 and 1996, to 146 per year currently. Nevertheless, the majority of these warrants remain unexecuted despite a dramatic increase in paramilitary activity. Most arrests claimed by the security forces are of low-ranking paramilitaries, not leaders. In the few cases where top leaders have been arrested, several have been able to leave prison unhampered, like Jacinto Alberto Soto, known as "Lucas" and believed to act as the ACCU's accountant. In 1998, the Attorney General's office seized Soto in possession of ACCU documents and ledgers. Nevertheless, authorities told Human Rights Watch that Soto apparently bribed his way out of the front door of Medellín's maximum security prison weeks later.

Meanwhile, notorious paramilitary leaders remain at large, and collect arrest warrants like badges of honor. There are currently twenty-two outstanding arrest warrants against Carlos Castaño, seven against Fidel Castaño, eight against Salvatore "Mono" Mancuso, and two against Ramón Isaza.

In fact, the number of state agents named in human rights-related cases is on the increase. In October 1999, the *Fiscalía* reported that 262 members of the security forces had been formally charged, an increase of 19 over the previous year. Yet the highest rank reported was major, showing that the commanders who tolerate, order, and cover up for human rights violations remain virtually untouched.

Although the government of Colombia has repeatedly claimed that it has formed special search units (*Bloques de Búsqueda*) to target paramilitary groups, in practice these groups are little more than paper tigers that vanish once the press conference is concluded. Indeed, according to our information, the "Coordination Center for the Fight against Self-Defense Groups," formed by presidential decree and much fanfare on February 25, 2000 has yet to meet.

But President Pastrana is not to first to lead with rhetoric rather than action. The first *Bloque* was decreed in 1989 by President Barco when he outlawed paramilitary groups. The activation of such *Bloques* has been announced by every successive administration, with no visible results. President Pastrana announced the creation of such a body twice. Before this Coordination Center was announced, he claimed the government would activate the *Bloque de Búsqueda* as part of the agreement with the internally displaced of the Magdalena Medio, and signed Decree Law 2295 to this effect in November 1998. Despite the personal commitment of President Pastrana however the *Bloque* never became operational and paramilitary forces were able unhindered to consolidate their presence and escalate attacks against the civilian population in the Magdalena Medio.

In the meantime, paramilitaries continue to carry out their attacks from well-established and well-known bases, often near official military bases.

BENCHMARKS:

The following benchmarks should be achieved before the Secretary of State issues a certification of the Colombian government's compliance with this condition:

A. The "Coordination Center for the Fight against Self-Defense Groups" should present to the public a comprehensive plan that is fully funded and includes a long-term and politically feasible strategy to disband paramilitary groups and execute outstanding arrest warrants.

B. The United States should obtain a list of the names of paramilitary leaders and members who have been indicted, arrested, and prosecuted since August 1997; a description of the charges brought; and the disposition of the cases. The US Embassy should update it at three-month intervals, and distribute it promptly to the appropriate congressional committees and the human rights groups included in the consultation process required for certification. Included should be new cases and developments in existing cases, with particular emphasis on whether or not the security forces are taking concrete measures to execute warrants. Information regarding the execution of arrest warrants should be sorted according to the security force units to which they refer

C. The United States should obtain a list of the names and ranks of Colombian armed forces personnel who have been brought to justice in civilian courts since August 1997 for aiding or abetting paramilitary groups, including a description of the charges brought and the disposition of the cases. The US Embassy should update it at three-month intervals, and distribute it promptly to the appropriate congressional committees and the human rights groups included in the consultation process required for certification. Included should be new cases and developments in existing cases, with particular emphasis on whether or not the security forces are cooperating with the execution of arrest warrants. The execution of arrest warrants should be sorted according to the security force units to which they refer.

D. The United States should require the investigation and, as appropriate, arrest and prosecution in civilian courts of the following military personnel. They have yet to be investigated and brought to trial under civilian jurisdiction despite credible allegations of their participation in gross human rights violations and/or support for paramilitary activity:

1. **General (ret.) Fernando Millán, former Commander, 5th Brigade:** The *Fiscalía* opened an investigation of General Millán based on evidence indicating that he set up the Las Colonias CONVIVIR in Lebrija, Santander, while he commanded the Fifth Brigade. The Las Colonias CONVIVIR operated throughout 1997 without a license but with army support according to the testimony of former members. According to residents and victims' families, the group committed at least fifteen targeted killings before the director, "Commander Cañón," a retired army officer, and the employees he hired were arrested and prosecuted under Decree 1194, which prohibits the formation of paramilitary groups. Among the cases currently under investigation by the Attorney General's Office are the killings of two Protestants, brothers Oscar and Armando Beltrán Correa, taken captive by the Las Colonias CONVIVIR as they headed to work on July 29, 1997 and killed on the road leading from Lebrija to the hamlet of La Puente. Apparently, the CONVIVIR accused them of passing information to the guerrillas. On September 4, 1997, father and son Leonardo and José Manuel Cadena were forced out of their home by CONVIVIR members and killed according to a family member's testimony to the Attorney General's Office, apparently because the CONVIVIR accused the Cadenas of bringing food to guerrillas. According to a former CONVIVIR member who was also an army informant, during its months of operation, the Las Colonias CONVIVIR went on frequent operations with army units, setting up roadblocks and detaining suspected guerrillas and criminals. When the Attorney General's Office investigated the case, the army high command prevented prosecutors from questioning Millán, then interposed a jurisdictional dispute, claiming that since Millán was on active

service and carrying out his official duties, the case should be tried before a military tribunal. Following a decision by the CSJ, the case was transferred to the military justice system in October 1998. A prosecutor assigned to investigate the May 1998 massacre of 11 people in Barrancabermeja fled the country after receiving threats from General Millán, then-Commander of the 5th Brigade. Nine members of the military and police were disciplined in connection with the massacre, but there have been no civilian prosecutions. General Millán has not been brought to justice in the civilian justice system.

2. **Major Jesús María Clavijo, 4th Brigade:** In March 2000, Major Clavijo was relieved of command pending the outcome of his trial on charges of helping form and direct paramilitary groups during his service with the 4th Brigade. Eyewitnesses have linked Clavijo and other 4th Brigade officers to paramilitaries through regular meetings held on military bases. An investigation by the Internal Affairs agency (*Procuraduría*) listed hundreds of cellular telephone and beeper communications between known paramilitaries and 4th Brigade officers, among them Clavijo. On May 11, 2000, the Attorney General received a jurisdictional dispute from the military judge handling the case. The case is now pending before the CSJ.

3. **General (ret.) Jaime Uscátegui, 7th Brigade:** Dozens of civilians were killed by paramilitaries and hundreds were forced to flee for their lives from Mapiripán, Meta, in July 1997. For five days, paramilitaries acting with the support of the army detained residents and people arriving by boat, took them to the local slaughterhouse, then bound, tortured, and executed them by slitting their throats. Local army and police units ignored repeated phone calls from a civilian judge in the area asking for help to stop the slayings. At least two bodies — those of Sináí Blanco, a boatman, and Ronald Valencia, the airstrip manager — were decapitated. Judge Leonardo Iván Cortés reported hearing the screams of the people they brought to the Slaughterhouse to interrogate, torture, and kill. In one of the missives he sent to various regional authorities during the massacre, he wrote: "Each night they kill groups of five to six defenseless people, who are cruelly and monstrously massacred after being tortured. The screams of humble people are audible, begging for mercy and asking for help." Hundreds of people fled the region, including Judge Cortés, who was forced to leave Colombia with his family because of threats on his life.

Subsequent investigations revealed that troops under the command of Uscátegui, then in charge of the 7th Brigade, assisted the paramilitaries during their arrival at the nearest airport, and made sure that troops able to combat paramilitaries were engaged elsewhere. In an attempt to cover up his responsibility, Uscátegui tried to falsify documents reporting the massacre. As a result of their internal investigation, the army put Gen. Uscátegui on administrative duty for failing to act promptly to stop the

massacre and detain those responsible. However, the CSJ later ruled that the case involved an "act of omission" and belonged before a military court. Uscátegui later retired, and has yet to be prosecuted in civilian courts for his alleged crimes. Subsequently, the military reopened the case and announced that Uscátegui would be brought before a Consejo de Guerra on charges of "homicidio", "prevaricación por omisión" and "falsedad en documento" for the Mapiripán massacre. Uscátegui has been re-arrested and is held in the 13th Brigade.

4. **General (ret.) Alberto Bravo Silva, Commander, 5th Brigade:**

According to Colombia's Public Advocate, on May 29, 1999, paramilitaries killed at least 20 people and abducted up to fifteen more in La Gabarra (Norte de Santander). General Bravo was repeatedly informed of the subsequent threats and the ensuing massacres, but did not act to prevent them or to pursue the perpetrators effectively once the massacre had taken place. He was relieved of duty, but was not prosecuted in civilian courts for his alleged role in aiding and abetting this atrocity.

5. **General (ret.) Rito Alejo del Río, 17th Brigade:** An investigation was opened by *Fiscalía* in 1998 into Del Río's support and tolerance for paramilitary activity in the Urabá region in 1996 and 1997 while he was commander of the 17th Brigade. According to reports made by Colonel (ret.) Carlos Velásquez, his chief of staff, to his superiors in 1996, that Del Río supported paramilitaries in Urabá, and maintained a relationship with a retired army major who worked with paramilitaries. Instead of prompting a serious investigation of Del Río, the reports prompted the army to investigate Velásquez, in an apparent attempt to silence him. The army concluded the inquiry by recommending not that Gen. del Río, who was later promoted, be punished, but that Colonel Velásquez be disciplined for "insubordination, [acts] against duty and esprit de corps." Velásquez was forced to retire on January 1, 1997.

Very recent press reports indicate that an August 2000 investigation was opened by the *Fiscalía* against Generals **del Río** and **Fernando Millán**. According to these reports, prosecutors charged that they had attempted to present false witnesses to the *Fiscalía* to claim that a prominent trade Unionist and a human rights defender had themselves paid witnesses to denounce **del Río** and **Millán** for ties to paramilitaries. These reports indicate that the *Fiscalía* believes that, in fact, an army "informant" in league with Del Río and Millán paid the two false witnesses to lie to authorities.

6. **General (ret.) Farouk Yanine Díaz:** Gen. Yanine was arrested in October 1996 for alleged complicity in the massacre of 19 merchants in the Middle Magdalena region in 1987. Eyewitnesses, including a military officer, testified that

he supported paramilitaries who carried out the massacre and had operated in the area since 1984, when Yanine was commander of the 14th Brigade in Puerto Berrio. The paramilitary leader also testified that Gen. Yanine had paid him a large sum to carry out the killing. Yanine also allegedly provided paramilitaries with the intelligence necessary to intercept their victims. Despite abundant evidence, General Manuel José Bonnet, at the time commander of the Army, closed the case for alleged lack of evidence. The *Procuraduría* appealed the decision on the grounds that "evidence presented against Yanine Díaz had not been taken into account... [the sentence] clearly deviates from the evidence presented in this case, *"se aparta protuberantemente de las pruebas que aparecen en el proceso."* The Department of State expressed concern about the acquittal on July 1, 1997.

7. **General Rodrigo Quiñones, Commander, Navy's 1st Brigade:**

Colombian government investigators linked Quiñones to at least 57 murders of trade unionists, human rights workers, and community leaders in 1991 and 1992, when he was head of Navy Intelligence and ran Network 3, based in Barrancabermeja. A military tribunal decided that there was insufficient evidence against him, but he has not been brought to trial in the civilian justice system. The only people to be convicted for these crimes were two civilian employees of Naval Intelligence Network No. 7, one of whom was later murdered in prison. In his ruling on the case, the civilian judge stated that he was "perplexed" by the military tribunal's acquittals of Quiñones and others, since he considered the evidence against them to be "irrefutable." "With [this acquittal] all that [the military] does is justify crime, since the incidents and the people responsible for committing them are more than clear." This judge also discounted the military's contention that Quiñones was the victim of a smear campaign by drug traffickers, concluding that there was no evidence to support this claim. To the contrary, he concluded that evidence linking Quiñones to the Barrancabermeja atrocities was clear and compelling.

The only punishment meted out to Quiñones so far has been a "severe reprimand" ordered by the *Procuraduría General de la Nación*, which concluded that he was responsible for the deaths. In a disputable interpretation of existing norms, the *Procuraduría* has determined that murder is not classified as an administrative infraction in the existing regulations. Therefore, the maximum punishment it can impose for murder is a "severe reprimand," essentially a letter in an employment file. It is important to note that the *Procuraduría* itself has termed this absurd punishment "embarrassingly insignificant, both within the national sphere and before the international community." Quiñones is also the officer in charge of the region at the time of the February 2000 massacre in El Salado (Bolívar). Military and police units stationed nearby failed to stop the killing and established roadblocks which prevented

human rights and relief groups from entering the town. Quiñones was promoted to General in June 2000.

8. **General Carlos Ospina Ovalle, Commander, 4th Division:** Colombia's Attorney General's Office has documented extensive ties between the 4th Brigade and paramilitary groups between 1997 and 1999, while General Ospina was in command. Among the cases that implicate Ospina is the October 1997 El Aro massacre. Government documents show that a joint army-paramilitary force surrounded the village and maintained a perimeter while about 25 paramilitaries entered the town, rounded up residents, and executed four people.

9. **Brigadier General Jaime Ernesto Canal Albán, Commander, 3rd Brigade:** Colombian government investigators found evidence that, in 1999, while Brig. Gen. Canal Albán was in command, the 3rd Brigade set up a paramilitary group and provided them with weapons and intelligence.

10. **General Jaime Humberto Cortés Parada, Inspector General of the Army:** the Fiscalía collected compelling and abundant evidence indicating that under his command at the 3rd Division, the Army's 3rd Brigade set up a "paramilitary" group in the department of Valle del Cauca, in southern Colombia. Investigators were able to link the group to active duty, retired, and reserve military officers and the ACCU (See below);

11. **General Freddy Padilla León, Commander of the II Division, and Colonel Gustavo Sánchez Gutiérrez, Army Personnel Director:** In July 2000, the press widely reported that the *Procuraduría* formally charged (*pliego de cargos*) **General Jaime Humberto Cortés Parada** and these two officers with "omission" in connection with the massacre of Puerto Alvira in June 1997. Two other generals who also face disciplinary charges, for "omission" - Generals Jaime Humberto Uscátegui and Agustín Ardila Uribe - are already retired.

E. Investigation and, as appropriate, arrest and prosecution of the following paramilitary leaders and members:

1. **Carlos Castaño Gil, leader of the Peasant Self-Defense Force of Córdoba and Urabá (ACCU):** Castaño has twenty-two outstanding arrest warrants, including one relating to the killings of human rights defenders. He has been implicated in the death of political satirist Jaime Garzón, whom he allegedly threatened and he claimed responsibility for the death of University of Antioquia

student Gustavo Marulanda. Castaño has repeatedly threatened to have his forces continue the May 2000 massacres in La Gabarra (Norte de Santander) until the area is "cleansed" of guerrillas. Despite Castaño's public appearances, including a television appearance in March 2000, Colombian law enforcement agencies have not executed warrants for his arrest.

2. **Fidel Castaño Gil, Los Tangüeros:** Although the Castaño family claims that Fidel is dead, there is no confirmation of this. Meanwhile, the *Fiscalía* continues to bring charges and sentences against him, and he should at the present be considered a fugitive.

3. **Alexander "El Zarco" Londoño, Las Terrazas:** Londoño is the head of a group of professional killers that works with Carlos Castaño and is wanted in connection with a series of killings and kidnappings, including the 1999 IPC kidnapping, carried out on the orders of the ACCU. There are several warrants for his arrest.

4. **Julian Duque, Bolívar:** Duque is the paramilitary leader of the *Autodefensas del Sur de Bolívar* and is wanted for organizing paramilitary groups.

5. **Gabriel Salvatore "El Mono" Mancuso Gómez, ACCU:** Mancuso has eight arrest warrants outstanding against him, including one related to the 1997 El Aro massacre, carried out in coordination with the 4th Brigade.

6. **Ramón Isaza Arango, Middle Magdalena:** A veteran paramilitary leader, Isaza is wanted for paramilitary activity in the region surrounding Barrancabermeja.

7. **Luis Eduardo "El Aguila" Cifuentes Galindo, Cundinamarca:** Cifuentes is the paramilitary leader of the *Autodefensas de Cundinamarca* and is wanted for organizing paramilitary groups.

8. **Diego Fernando Murillo Bejerano:** Murillo is not directly associated with the military wing of the "self-defence forces," instead playing a white-collar financial role. He is allegedly responsible for a series of kidnappings in and around Medellín, carried out in association with the AUC. The *Fiscalía* reportedly also suspects him of being the "intellectual author" of the murder of Mario Calderón and Elsa Alvarado.

F. Investigation and, as appropriate, arrest and prosecution of paramilitaries believed to be involved in the following human rights cases:

1. **Alirio de Jesus Pedraza Becerra**: Pedraza, a lawyer with the Committee of Solidarity with Political Prisoners (*Comité de Solidaridad con Presos Políticos*, CSPP), was "disappeared" by eight heavily armed men on July 4, 1990. His whereabouts have never been determined. At the time, he was representing the family members of scores of peasants killed when the Luciano D'Eluyart Battalion opened fire on a protest march in 1988 in Llano Caliente, Santander. We are not aware of any arrests in this case.
2. **Blanca Cecilia Valero de Durán, CREDHOS**: This human rights defender belonging to the Regional Human Rights Committee for the Defence of Human Rights (*Comité Regional para la Defensa de los Derechos Humanos*, CREDHOS) was shot and killed on January 29, 1992 in Barrancabemeja, Santander. The then Colonel Rodrigo Quiñones Cárdenas, director of intelligence for Colombian Navy Intelligence Network 7, was believed responsible for her murder and scores of other political killings by government investigators. Nevertheless, Quiñones was acquitted by a military tribunal, although the *Fiscalía* named him as the "unequivocal" intellectual author. He remains on active duty. Two people were convicted in the killing.
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4. **Julio Cesar Berrio, CREDHOS**: He was a security guard employed by CREDHOS, also involved in a CREDHOS investigation. He was shot dead on June 28, 1992, allegedly by men working for Navy Intelligence Director Colonel Quiñones.
5. **Ligia Patricia Cortez Colmenares, CREDHOS**: Cortez, an investigator with CREDHOS, was killed on July 30, 1992, alongside several Union members. We are not aware of any arrests in this case.
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10. **Elsa Alvarado and Mario Calderón, CINEP**: Alvarado and Calderón were investigators with the Center for Research and Popular Education (*Centro de Investigación y Educación Popular*, CINEP). On May 19, 1997 a group of masked gunmen forced their way into Alvarado and Calderón's apartment, killing Elsa, Mario, and Elsa's father. Although some material authors of the crime are under arrest, the intellectual authors remain at large. Arrest warrants have been issued for Fidel and Carlos Castaño as the intellectual authors of the killings.
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12. **Eduardo Umaña, human rights lawyer**: Umaña was killed in Bogotá on April 18, 1998. Several alleged gunmen are either under arrest or wanted for extradition. Shortly before his murder he had denounced the role of a military intelligence unit in paramilitary activity and human rights violations. The intellectual authors remain at large.
13. **Jorge Ortega, union leader**: This union leader and human rights defender was killed in Bogotá on October 20, 1998. Two former police officers have been implicated in the attack and are in prison. However, the intellectual authors remain unidentified.

14. **Everardo de Jesús Puertas and Julio Ernesto González, CSPP:** Puertas and González, lawyers with the CSPP, were shot dead on the January 30, 1999, as they traveled by bus from Medellín to Bogotá. We are not aware of any arrests in this case.
15. **Dario Betancourt, academic:** Betancourt, a professor at Bogotá's *Universidad Pedagógica Nacional*, was forcibly disappeared on May 2, 1999, and his body was found on September 2, 1999. There have been no arrest warrants issued in this case.
16. **Hernan Henao, academic:** Henao, the Director of the University of Antioquia's Regional Studies Institute, was killed on May 4, 1999. There have been no arrest warrants issued in this case.
17. **Guzmán Quintero Torres, journalist:** Quintero, a journalist who had investigated reports of corruption within the armed forces, was killed on September 16, 1999, in Valledupar (Cesar). The Attorney General's Office detained two paramilitaries allegedly involved in the killing, but the intellectual authors have not been identified.
18. **Jesús Antonio Bejarano, academic:** Bejarano, a former government official involved in the peace talks with the FARC, was killed on September 16, 1999. There have been no arrest warrants issued in this case.
19. **Alberto Sánchez Tovar and Luis Alberto Rincón Solano, journalists:** Journalists Sánchez and Rincón were allegedly detained and executed by paramilitaries on November 28, 1999, in El Playón (Santander), while covering municipal elections. Three paramilitary gunmen have been arrested, but the intellectual authors remain unidentified.
20. **Jairo Bedoya Hoyos, indigenous activist:** Bedoya, a member of the Indigenous Organization of Antioquia (*Organización Indígena de Antioquia*, OIA), was abducted on March 2, 2000. There have been no arrests in this case.
21. **Margarita María Pulgarín Trujillo, Fiscalía:** Pulgarín, a prosecutor specializing in investigating links between the military and paramilitary groups, was killed in Medellín on April 3, 2000. No arrest warrants have been issued in this case.
22. **Jesús Ramiro Zapata Hoyos, Segovia Human Rights Committee:** Zapata, the leader of an umbrella organization of human rights groups, was abducted

and killed on May 3, 2000 in Segovia, Antioquia. The day he was abducted, Zapata had reported to local authorities that paramilitaries had been seeking information on his whereabouts. Paramilitaries had occupied the area the month before.

23. **Elizabeth Cañas Cano, Association of Family Members of the Detained and Disappeared, ASFADDES:** Cañas, an member the Association of Families of the Detained and "Disappeared" (*Asociación de Familiares de Detenidos Desaparecidos-Colombia*, ASFADDES), was shot dead near her office on June 11, 2000. She had lost relatives in the 1998 Barrancabermeja massacre. Witnesses to the massacre and other ASFADDES members are currently in grave danger of further attacks.

24. **Jairo Bedoya, Olga Rodas, Jorge Salazar, and Claudia Tamayo, IPC:** These four human rights workers belonging to the Institute for Popular Training (*Instituto Popular de Capacitación*, IPC) based in Medellín, Antioquia were abducted from their offices on January 28, 1999 by an armed gang. Several days later paramilitary commander Carlos Castaño claimed responsibility for the kidnappings, claiming the four as "prisoners of war." He remains at large.

25. **Piedad Córdoba de Castro, Senator:** On May 21, 1999 Córdoba, Liberal Party Senator and president of the Senate's Human Rights Commission, was abducted in Medellín by a group of fifteen armed men. The next day, paramilitary leader Carlos Castaño issued a public statement claiming responsibility for the abduction. She was later released.

26. **Diana Salamanca Martínez, Justice and Peace:** Salamanca, a human rights worker, was abducted on November 10, 1999 by paramilitary forces in Dabeiba, Antioquia. Three days later, following a national and international outcry, Salamanca was released to church workers in Necoclí, Antioquia. She reports having been transported overland in a truck, passing unhindered through various military and police checkpoints. We are not aware of any arrests.

27. **San José de Apartadó:** On February 19 and July 8, 2000, alleged paramilitaries killed 11 civilians in San José de Apartadó. According to eyewitnesses, personnel of the 17th Brigade were in the area at the time of both massacres and failed to prevent or stop the killings. An army helicopter allegedly belonging to the 17th Brigade hovered overhead at the time of the July 8 massacre.

28. **El Aro:** Colombian prosecutors collected evidence linking the 4th Brigade, under the command of General Carlos Ospina Ovalle, to the October 25, 1997, massacre committed by paramilitaries in El Aro. Government documents show that a

joint army-paramilitary force surrounded the village and maintained a perimeter while about 25 paramilitaries entered the town, rounded up residents, and executed four people.

29. **El Salado:** On 18 February 2000, a massacre of dozens of civilians was initiated in El Salado, Bolívar. Entering on Friday the 18th and leaving Sunday the 20th, some 300 paramilitary members killed at least 46 townspeople, including a six year-old girl and an elderly woman. Despite pleas to intervene, the regional military reportedly set up a roadblock and prevented humanitarian workers from entering the area. Admiral William Porra, second in command of the Navy, continues to claim that the deaths were a result of combat, not of the executions related by dozens of witnesses.

30. **Norte de Santander:** The recent string of paramilitary massacres in Norte de Santander illustrate the Colombian military's unwillingness to protect the civil population from violence even in the face of repeated national and international warnings. Following is a brief chronology of attacks in the last year:

- : 29 May 1999: Twenty five civilians killed in La Gabarra by a group of roughly 400 paramilitaries. Shortly following, Amnesty International USA issued the first of many urgent appeals, calling on the state authorities to take preventative measure to protect the civil population.
- : 17 July 1999: Fourteen people were killed and thirty abducted by paramilitaries in Tibú, where the Colombian Army's Counter-guerrilla Battalion #46 "Heroes of Saraguru" is stationed.
- : 20 August 1999: Paramilitary massacre of at least thirty in Caño Lapa, municipality of Tibú.
- : 20 November 1999: Paramilitaries killed a peasant and burned down several homes in the municipality of El Tarra.
- : 19 January 2000: Three people were killed and two were abducted by paramilitaries in El Tarra.
- : 3 March 2000: Paramilitaries burned the village of Filo Gringo to the ground, in spite of warnings sent to the Army's 5th Brigade in previous days by state authorities and NGO's.
- : 6 April 2000: Another massacre in Tibú, within one kilometer of the army's "Heroes of Saraguru" base, despite repeated assurances by Colombian Embassy officials in Washington, D.C. to Amnesty International that the Colombian Army was confronting the paramilitaries.

APPENDIX A

Sec. 3201. Conditions on Assistance for Colombia. (a) Conditions:

- (1) Certification required: Assistance provided under this heading may be made available for Colombia in fiscal years 2000 and 2001 only if the Secretary of State certifies to the appropriate congressional committees prior to the initial obligation of such assistance in each such fiscal year, that—
- (A)(i) the President of Colombia has directed in writing that Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights will be brought to justice in Colombia's civilian courts, in accordance with the 1997 ruling of Colombia's Constitutional court regarding civilian court jurisdiction in human rights cases; and
 - (ii) the Commander General of the Colombian Armed Forces is promptly suspending from duty any Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights or to have aided or abetted paramilitary groups; and
 - (iii) the Colombian Armed Forces and its Commander General are fully complying with (A)(i) and (ii); and
- (B) the Colombian Armed Forces are cooperating fully with civilian authorities in investigating, prosecuting, and punishing in the civilian courts Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights; and
- (C) the Government of Colombia is vigorously prosecuting in the civilian courts the leaders and members of paramilitary groups and Colombian Armed Forces personnel who are aiding or abetting these groups.
- (D) the Government of Colombia has agreed to and is implementing a strategy to eliminate Colombia's total coca and opium poppy production by 2005 through a mix of alternative development programs; manual eradication; aerial spraying of chemical herbicides; tested, environmentally

safe mycoherbicides; and the destruction of illicit narcotics laboratories on Colombian territory;

(E) the Colombian Armed Forces are developing and deploying in their field units a Judge Advocate General Corps to investigate Colombian Armed Forces personnel for misconduct.

- (2) Consultative process: The Secretary of State shall consult with internationally recognized human rights organizations regarding the Government of Colombia's progress in meeting the conditions contained in paragraph (1), prior to issuing the certification required under paragraph (1).
- (3) Application of existing laws: The same restrictions contained in section 564 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000 (Public Law 106-113) and section 8098 of the Department of Defense Appropriations Act, 2000 (Public Law 106-79) shall apply to the availability of funds under this heading.
- (4) Waiver: Assistance may be furnished without regard to this section if the President determines and certifies to the appropriate Committees that to do so is in the national security interest.

APPENDIX B

Definitions: In this section:

- (1) Aiding or abetting: The term 'aiding or abetting' means direct and indirect support to paramilitary groups, including conspiracy to allow, facilitate, or promote the activities of paramilitary groups.
- (2) Appropriate congressional committees: The term 'appropriate congressional committees' means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.
- (3) Paramilitary groups: The term 'paramilitary groups' means illegal self-defense groups and illegal security cooperatives.
- (4) Assistance: The term 'assistance' means assistance appropriated under this heading for fiscal years 2000 and 2001, and provided under the following provisions of law:
 - (A) Section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; relating to counter-drug assistance).
 - (B) Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; relating to counter-drug assistance to Colombia and Peru).
 - (C) Section 23 of the Arms Export Control Act (Public Law 90-629); relating to credit sales.
 - (D) Section 481 of the Foreign Assistance Act of 1961 (Public Law 87-195; relating to international narcotics control).
 - (E) Section 506 of the Foreign Assistance Act of 1961 (Public Law 87-195; relating to emergency drawdown authority).

Mr. MICA. Thank you, Mr. Miller. Mr. Miller, some of your testimony and some of the material you've submitted deals with some past atrocities committed by the right wing paramilitary. Has there been any improvement that Amnesty International has seen since the advent of the Pastrana administration? I mean, admittedly in the previous administration it was a pretty horrible situation. And it didn't seem that there were any overt attempts to clean up human rights violations. Is there any glimmer of hope?

Mr. MILLER. Well, essentially what—unfortunately, the situation continues to deteriorate on all sides. I was surprised to hear Representative—

Mr. MICA. On all sides. Then the FARC and the ELN is also committing atrocities and human rights violations?

Mr. MILLER. Absolutely. You'll notice in the testimony that I refer to those and Amnesty International through the years has denounced those violations.

I'd like to comment on the Pastrana administration. Essentially the tendency in Colombia has been that over time progressively the Colombian military itself seems to be getting out of the dirty war business. At the same time it's worth mentioning that there's a commensurate rise in violations carried out by paramilitary groups which often operate in heavily militarized zones. Amnesty International this year and in previous years has documented dozens and dozens of cases. The El Salado massacre is a high profiled case. It came out in the New York Times in July. There are numerous other massacres that have happened at the same time. In the packet that I have given there's a paper called Outsourcing Political Violence that lists a number of massacres in years past and in recent years carried out by paramilitary groups in the presence of military.

Mr. MICA. So if you had a choice between giving assistance to the military or the National Police, I take it you would prefer the National Police?

Mr. MILLER. Well, it's worth mentioning that at the same time that there are the same kinds of allegations against the National Police, a direct commission of human rights violations. The National Police themselves are also implicated in the same way in the sense that they're not going after the paramilitaries. In many areas of Putumayo, in Caqueta, the National Police operate in areas where the paramilitaries also operate and they do not go after the paramilitaries either.

Mr. MICA. Would your solution be to just withdraw all assistance?

Mr. MILLER. My solution would be to demand that concrete improvements be made. I mean the obstacle to these improvements is that the Colombian state actually has the desire to do them. And unfortunately, we're concerned that the assistance offers a green light that all the past administration and the Colombian militaries need to do is come up with a good public relations scheme and they're very good. The discourse is impeccable, but the concrete steps have not been taken, and we're concerned that they will not be taken as long as they continue to obtain their objectives.

Mr. MICA. Let me just yield to Mr. Ose. Then I'll yield to the ranking member.

Mr. OSE. Just for the record, back on June 23rd Chairman Gilman in his international report reported that the Colombia National Police had in fact gone into Catatumbo and basically attacked some of these right wing paramilitaries who were operating drug labs and illicit coca crops. I just want to get that on the record. I'll come back to it in my questioning. Thank you.

Mr. MICA. Let me yield now to the gentlelady from Hawaii our ranking member, Mrs. Mink.

Mrs. MINK. I appreciate, Mr. Miller, your attendance here this afternoon. I know you had very short notice in preparing your testimony. But I think the issues that you raise are very much in the minds of many of the Members who are concerned about the relevance of the Colombia drug production to the problems here in the United States. But we also have concerns about what the impacts will be to the people who live in Colombia and to what extent this huge infusion of military equipment, and so forth, will exacerbate their lives and make the human rights conditions much more difficult.

When you say that the current administration has said all the right words and given all the right intentions with respect to really weighing in on this human rights question but that they have failed to perform, exactly what steps do you have in mind that the Pastrana administration must take in order to demonstrate to Amnesty International and others that they are prepared to do what is necessary to bring an end to this travesty of human rights that is occurring by both the military and the paramilitary groups?

Mr. MILLER. Well, as I mentioned, the international community has been making recommendations for years now but what the steps are in the joint document we outline exactly, using the congressional mandate.

Mrs. MINK. Can you outline that for the record?

Mr. MILLER. Absolutely. Essentially to suspend military officers for whom there are credible allegations, which it's important to emphasize suspends as opposed to dismiss, because last year a number of high ranking military officers were dismissed but nothing is happening against them. They're operating freely and that's not a positive outcome.

Mrs. MINK. What is the difference between a dismissal and a suspension? I noticed that in your testimony.

Mr. MILLER. The difference is dismissal simply means that they're let go, they're fired essentially but then they operate freely. A suspension means that they're held in administrative suspension, they're held by the military pending a trial. And it's important we mention that the trial be held in a civilian jurisdiction. The military justice system in Colombia essentially has proven itself as a mechanism to ensure impunity for members of the Colombian armed forces. So it's important that these people are suspended, they're held pending a legitimate trial, that the trial be carried forth, and that if indeed they are responsible for crimes under Colombian law, human rights crimes, that they be held accountable for this.

Mrs. MINK. How many would you estimate are in this category of having been dismissed without having been brought to trial?

Mr. MILLER. Actually we name four or five of those in our report. We explicitly say that those people need to be brought to trial given the outstanding allegations against them. So I would say roughly four or five, four that I can think of off the top of my head, were suspended last year. There are a number of other generals who simply left over the years for whom there are very strong, credible allegations.

Mrs. MINK. Anything else?

Mr. MILLER. I simply would mention that one important component is something that I mention in my testimony, is how U.S. aid is monitored and how the impacts of U.S. aid are monitored there. I think Congress can and must play a very important role in demanding that the administration report back explicitly about what the impacts have been in terms of human rights violations, in terms of any people who have been killed or any allegations against U.S.-supported units and including paramilitary activity in those same areas.

Mrs. MINK. Earlier this afternoon Mr. Beers was asked a question with respect to the United States certifying that Colombia had met all the requirements with respect to receiving foreign assistance from the United States. And he testified that based upon the situation as it exists today that the United States could not certify and that there would have to be a waiver.

Do you agree with that statement?

Mr. MILLER. I absolutely agree with that statement. We of course prepare this document in the context of the first certification discussions. The new discussions will be happening later on this month and we will be reviewing this document. Of course the joint document is what we will take to the State Department and say to them what concrete improvement has been made on these cases. At the same time we will probably lump on the range of other cases that have happened in the meantime or happened in the past. There's no lack of cases of human rights violations in Colombia.

Mrs. MINK. What are the specific grounds which allows the President to waive the requirement of Congress that human rights has to be certified before foreign aid can be given?

Mr. MILLER. As per the law they're on national security grounds.

Mrs. MINK. What are the national security grounds that support a waiver in this instance?

Mrs. MINK. I don't believe that they are specifically—I don't believe that the President has to specifically say and I don't believe in this recent—when he did waive, I don't think he offered specific reasons. I believe he simply said for national security reasons and went on to state that he believed that improvements were being made.

Mrs. MINK. But my question to you is do you see any national security basis for a waiver?

Mr. MILLER. I believe that's the President's prerogative. But you know Amnesty International believes that it's very grave that these have simply been set aside by the President and we believe it sends a very negative message in terms of President Clinton's commitment to human rights.

Mrs. MINK. Absent a finding of a national security basis, there would be no basis for a waiver, isn't that true?

Mr. MILLER. That is true.

Mrs. MINK. Thank you.

Mr. MICA. The gentleman from California, Mr. Ose.

Mr. OSE. Thank you, Mr. Chairman. Mr. Miller, when you talk about the Colombian National Police, are we engaged with the entire police force? I mean is the U.S. Government working with the entire Colombian National Police force?

Mr. MILLER. I don't know the answer to that question.

Mr. OSE. The reason I bring it up is that I mean, I understand your concern that we all share about the atrocities, but I also know that in some instances elsewhere, at least historically, one group might be committing atrocities while another might not. Now are we working with the group, for instance, that is or isn't or do you know?

Mr. MILLER. I think that would be a good question for the State Department. I can't think of units of the National Police which are not allowed to receive aid under Leahy provisions.

Mr. OSE. It's my understanding that our aid is going to the counternarcotics police force section only. Are there any allegations of atrocities against them?

Mr. MILLER. I cannot think of allegations of atrocities against the counternarcotics section of the National Police. But I don't believe that—I haven't seen allegations.

Mr. OSE. So as far as this aid goes, we're doing a pretty good job in terms of protecting human rights as affected by our partners in this effort, I mean if I understand your response correctly.

Mr. MILLER. Yeah, my response is simply that I don't believe that there are specific units which under Leahy provisions are not allowed to receive that aid. So that would indicate that at least by State's judgment there weren't credible allegations against these counternarcotics units and I don't believe that Amnesty has specific information right now of credible allegations against those units either.

Mr. OSE. You may have it about other sections of the Colombian National Police, but not about the people that we're working with.

Mr. MILLER. What comes to mind are police units in urban areas which are involved in social cleansing operations. That's what comes to mind. But that I believe would be different than the units to which you are referring.

Mr. OSE. OK. I just wanted to clarify that. Thank you, Mr. Chairman.

Mr. MICA. Thank you. Did you have any additional questions? No additional questions.

Well, Mr. Miller we want to thank you. We appreciate the work that Amnesty International does in acting as the conscience for the world in many difficult international situations and atrocities in human rights that you call such eloquent attention to. We look forward to working with you. We appreciate your coming before our subcommittee today.

There being no further business before the subcommittee, I'll excuse you, Mr. Miller, and—

Mr. MILLER. Thank you very much.

Mr. MICA. We are leaving the record open for a period of 2 weeks for additional comments. Appreciate participation of the Members today and our witnesses. This meeting of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources stands adjourned.

[Whereupon, at 5:10 p.m., the subcommittee was adjourned.]

